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*Twenty-fifth  
Anniversary  
Report*

PENNSYLVANIA  
HUMAN RELATIONS  
COMMISSION

**ANNUAL REPORT FOR 1980-1981**







#### **Officers**

Chairperson — Joseph X. Yaffe, Wyncote

Vice-Chairperson — Doris M. Leader, York

Secretary — Elizabeth M. Scott, Pittsburgh

Assistant Secretary — John P. Wisniewski, Pittsburgh



#### **Commissioners**

Mary Dennis Donovan, C.S.J., Baden

Alvin E. Echols, Jr., Philadelphia

Benjamin S. Loewenstein, Philadelphia

Raquel Otero de Yiengst, Sinking Springs

Doris A. Smith, Pittsburgh

E. E. Smith, Wyomissing

Robert Johnson Smith, Elkins Park



#### **Executive Office**

Homer C. Floyd  
Executive Director

E. S. Inocencio  
Deputy Director for Management

Robert S. Mirin  
General Counsel



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## THIS REPORT

This report of the Pennsylvania Human Relations Commission contains two parts:

Material set in modern type with no background shading sets forth the activities and accomplishments of the Commission for Fiscal Year 1980-81.

Sections of the report set in a Roman typeface on a shaded background highlight influential people and significant achievements in the 25-year history of the Commission.





COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HUMAN RELATIONS COMMISSION

The Honorable Dick Thornburgh,  
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly  
Commonwealth of Pennsylvania

Dear Governor Thornburgh and  
Members of the General Assembly:

In this annual report the Pennsylvania Human Relations Commission proudly presents a summary of its activities during Fiscal Year 1980-81, and directs attention to the 25th anniversary of its establishment as the Commonwealth's human rights agency in 1956.

Much has changed during the past quarter century. The jurisdiction of the Commission has been broadened greatly, human rights problems have become more complex, and the Commission has become more sophisticated and proficient in coping with each new challenge.

Along the way, the Commission has been helped mightily by successive administrations and by legislative leaders whose vision included a Pennsylvania free of bigotry and discrimination. They provided the workers and the tools for the Commission to do its work. Together they fashioned a Commission that has earned a reputation for being one of the most effective human rights agencies in the nation. This Report spotlights the six Governors, the four Chairpersons and the three Executive Directors who have guided the Commission to its present state of growth and development. Legislators responded to the demonstration of need for human rights protection for residents of Pennsylvania by approving recommended legislation and by providing funds for the Commission's law enforcement and educational programs.

To everyone who helped in the creation and development of the Pennsylvania Human Relations Commission we extend a salute on this 25th anniversary!

Joseph X. Yaffe  
Chairperson

Chairperson  
JOSEPH X. YAFFE

Vice-Chairperson  
DORIS M. LEADER

Secretary  
ELIZABETH M. SCOTT

Executive Director  
HOMER C. FLOYD

Commissioners

ROBERT JOHNSON SMITH  
DORIS A. SMITH  
E. E. SMITH  
JOHN P. WISNIEWSKI

ALVIN E. ECHOLS, JR  
MARY DENNIS DONOVAN, C.S.J.  
RAQUEL OTERO DE YIENGST  
BENJAMIN S. LOEWENSTEIN

**PENNSYLVANIA**  
**HUMAN RELATIONS COMMISSION**  
**HIGHLIGHTS**

**Fiscal Year 1980-81**

An important accomplishment of the Pennsylvania Human Relations Commission in Fiscal Year 1980-81 — though not a dramatic or newsworthy event — was the attainment of higher productivity and increased effectiveness in case processing.

This fundamental achievement helped to secure a substantial amount of back pay, annual salaries, removal of discrimination barriers, increased promotional opportunity, and other benefits for victims of discrimination, and resulted in a reduction of the Commission's case backlog for

the second consecutive year — despite increasing numbers of new complaints and a continuing reduction in staff size.

The significance of this accomplishment is that it demonstrates the strength and vitality and commitment of the Commission and its staff in the face of leaner budgets and an increasing workload, and proves that the Commission maintained in its 25th year of operation the creativity and resourcefulness that gained for the agency the reputation of being a national leader in the field of human rights.



Governor Dick Thornburgh is responsible for numerous human rights accomplishments since he took office January 16, 1979. He signed legislation amending the Human Relations Act to make it unlawful for an employer to discriminate against a person with a General Education Development (GED) Certificate instead of a regular high school diploma, greatly increased the number of state contracts awarded to minority-owned firms, designated the birthday of the late Dr. Martin Luther King, Jr. as a state holiday, and adopted a new policy to detect and prevent discriminatory testing practices in state hiring.

Other highlights include these achievements:

- A settlement of \$194,000 for 21 victims of sex discrimination in a case handled by the Commission involving a manufacturing company.
- Publication of sexual harassment guidelines, and settlement (with \$3,000 for back pay) of the first sexual harassment case scheduled for public hearing.
- Spotighting of racial harassment of Black homeowners by means of a two-day investigatory public hearing in Eastern Delaware County, followed by the issuance of recommendations for reducing racial tension in housing and building goodwill in the communities of that region.
- Adoption of guidelines to help employers avoid pitfalls in carrying out voluntary affirmative action programs, and publication of the first affirmative action resource book for Pennsylvania educators.
- Auditing through on-site visits the practices of 15 desegregated school districts where staff of the Commission and the Department of Education analyzed remaining problems and identified factors which produced better intergroup relations and improved academic progress.
- The first two final orders following public hearings in handicap and disability cases. One upheld a finding of discrimination against a trucking company which dismissed a driver on the basis of an alleged back problem. The Commission concluded that the condition did not or would not prevent the person from carrying out the duties of a driver, and ordered that he be rehired with back pay. In the second case, the Commission ruled that Amtrack violated the handicap and disability provisions of the Act in refusing to hire a man as a trackworker because he had vision in only one eye. The Commission ordered the hiring of the individual, with back wages and seniority, declaring that the man's work history was "persuasive evidence" of his successful adaptation to a handicap.
- The first order directing a volunteer fire company to admit a woman who had been denied membership on the basis of her sex. The order applied to Harmony Volunteer Fire Company and Relief Association in Butler County.
- An order directing a Pittsburgh barber to cut the hair of a Black child, and to cease and desist from any practice which directly or indirectly denies service to any person for a discriminatory reason, or on the grounds that he is not professionally trained to cut the hair of that person.
- Direction of a contract compliance program which reviewed 5,300 state contracts with a value of more than \$4 billion, helped minority contractors secure contracts for nearly \$9 million in work, and assisted minority business people to arrange \$4 million in state loans.
- Was awarded grants from the U.S. Department of Housing and Urban Development to develop a sustainable capacity to process housing discrimination complaints deferred to the Commission by HUD, to devise an innovative housing case-processing system, and to expand a program of obtaining voluntary compliance agreements from various sectors of the housing and lending industries.
- Negotiated a memorandum of understanding with the City of Harrisburg to resolve racial tension and prevent a recurrence of incidents in which members of the Harrisburg Police Department reportedly wore or sold Ku Klux Klan emblems while in uniform.



# COMPLIANCE ACTIVITIES

The compliance or law-enforcement activities of the Commission are encompassed in the programs of these four divisions: Compliance, Contract Compliance, Systemic Enforcement and Legal.

## COMPLIANCE DIVISION

Staff of the Compliance Division handled a total workload of 5,960 cases during 1980-81, including a record number of 2,508 new complaints. Staff closed 3,138 cases, a substantial improvement over the previous high number of 2,692 cases closed the previous fiscal year.

In addition, staff handled a total of 12,415 informal complaints, some of which assisted residents to obtain opportunities sought or benefits owed them without the necessity for filing formal charges.

Despite the larger number of new cases docketed, improved case-handling procedures instituted by the Commission reduced — for the second consecutive year — the backlog of pending cases, representing a dramatic and important turn-around in the history of complaint investigation and settlement. The impact of the compliance Division's work can be seen most dramatically in a set of figures relating to jobs



Governor Milton S. Shapp, 1971 to 1979, signed laws amending the Human Relations Act to prohibit discrimination in places of public accommodation against persons who use a guide dog because of blindness, to prohibit sex discrimination in places of public accommodation, and to prohibit discrimination on the basis of handicap or disability. He vetoed three bills that would have limited the authority of the Commission to desegregate schools. Governor Shapp issued an executive order establishing an affirmative action program to provide job opportunities for minority group persons and women. He also sponsored a statewide human rights conference.

secured, money recovered and other benefits gained as a result of the work of staff.

Number of Cases resulting in measureable financial impacts:

Employment .....	1,125
Housing .....	42
Public Accommodations .....	65
Education .....	4
	<u>1,236</u>

Back wages and other benefits secured according to type of discrimination and number of cases:

Charge	Number of Cases	Benefits
Race-Black.....	455	\$917,478
Sex-female .....	385	542,593
Handicap .....	111	340,303
Age.....	79	213,092
National Origin/ancestry.	37	61,865
Race-White .....	17	33,594
Sex-male .....	23	25,093
Religion .....	16	14,856
Race-Black/Sex-female .	27	52,627
Sex-female/age.....	14	29,942
Remaining Multiples . . .	72	151,015

Back wages amounting to \$1,002,085, added to annual salaries of \$1,380,373, combined to produce a total financial impact of \$2,382,458.

## COMPLIANCE STATISTICS

### GEOGRAPHICAL DISTRIBUTION OF CASES BY REGION

1956 — June 30, 1981

Area of Jurisdiction	Number of Complaints							
	Region I (a)		Region II (b)		Region III (c)		State Total	
	1980-1981	Cumulative	1980-1981	Cumulative	1980-1981	Cumulative	1980-1981	Cumulative
Employment.....	665	7,334	845	6,696	729	6,549	2,239	20,579
Housing.....	47	1,149	35	1,001	63	1,186	145	3,336
Public Accommodations ..	35	741	38	545	28	459	101	1,745
Education .....	1	74	6	72	16	120	23	266
<b>All Areas .....</b>	<b>748</b>	<b>9,298</b>	<b>924</b>	<b>8,314</b>	<b>836</b>	<b>8,314</b>	<b>2,508</b>	<b>25,926</b>

- (a) Region I includes 23 contiguous counties in the western part of the state, with its office located in Pittsburgh.
- (b) Region II includes 39 contiguous counties in the central and northeastern portion of the state, with its office located in Harrisburg.
- (c) Region III includes 5 contiguous counties located in southeastern Pennsylvania, with its office located in Philadelphia.

# BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION

July 1, 1980 — June 30, 1981

Basis	Employment	Housing	Public Accommodations	Education	Total
Race or Color .....	679 ( 30%)	92 ( 63%)	42 ( 41%)	7 ( 30%)	820 ( 33%)
Religion .....	34 ( 1%)	1 ( -- )	2 ( 2%)	2 ( 9%)	39 ( 1%)
National Origin .....	65 ( 3%)	6 ( 4%)	2 ( 2%)	2 ( 9%)	75 ( 3%)
Age.....	241 ( 11%)	0 ( -- )	0 ( -- )	0 ( -- )	241 ( 10%)
Abortion Views.....	1 ( -- )		1 ( 1%)	0 ( -- )	2 ( -- )
Sex.....	539 ( 24%)	11 ( 8%)	33 ( 33%)	2 ( 9%)	585 ( 23%)
Handicap/Disability.....	269 ( 12%)	8 ( 6%)	13 ( 13%)	0 ( -- )	290 ( 12%)
Illegal Ad or Application Form .....	0 ( -- )	0 ( -- )	0 ( -- )	0 ( -- )	0 ( -- )
Guide Dog Use.....		0 ( -- )	0 ( -- )		0 ( -- )
*Multiple.....	349 ( 16%)	27 ( 19%)	8 ( 8%)	10 ( 43%)	394 ( 16%)
Retaliation .....	62 ( 3%)	0 ( -- )	0 ( -- )	0 ( -- )	62 ( 2%)
<b>TOTAL.....</b>	<b>2,239 (100%)</b>	<b>145 (100%)</b>	<b>101 (100%)</b>	<b>23 (100%)</b>	<b>2,508 (100%)</b>

\* Cases in this category include all those in which the basis of the charge of discrimination is two or more of the following factors: race or color, religion, national origin, age, sex, or handicap/disability.



# BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION

Cumulative 1956 — June 30, 1981

Basis	Employment	Housing	Public Accommodations	Education	Total
Race or Color . . . . .	8,680 ( 42%)	2,613 ( 78%)	1,247 ( 71%)	175 ( 66%)	12,715 ( 49%)
Religion . . . . .	453 ( 2%)	28 ( 1%)	29 ( 2%)	8 ( 3%)	518 ( 2%)
National Origin . . . . .	760 ( 4%)	77 ( 2%)	36 ( 2%)	17 ( 6%)	890 ( 3%)
Age . . . . .	1,947 ( 9%)	0 ( -- )	0 ( -- )	0 ( -- )	1,947 ( 8%)
Abortion Views . . . . .	2 ( -- )		1 ( -- )	0 ( -- )	3 ( -- )
Sex . . . . .	4,590 ( 22%)	184 ( 6%)	273 ( 16%)	27 ( 10%)	5,074 ( 20%)
Handicap/Disability . . . . .	1,328 ( 6%)	45 ( 1%)	74 ( 4%)	0 ( -- )	1,447 ( 6%)
Illegal Ad or Application Form . . . . .	776 ( 4%)	221 ( 7%)	31 ( 2%)	13 ( 5%)	1,041 ( 4%)
Guide Dog Use . . . . .		4 ( -- )	3 ( -- )		7 ( -- )
*Multiple . . . . .	1,861 ( 10%)	162 ( 5%)	48 ( 3%)	26 ( 10%)	2,097 ( 7%)
Retaliation . . . . .	182 ( 1%)	2 ( -- )	3 ( -- )	0 ( -- )	187 ( 1%)
<b>TOTAL . . . . .</b>	<b>20,579 (100%)</b>	<b>3,336 (100%)</b>	<b>1,745 (100%)</b>	<b>266 (100%)</b>	<b>25,926 (100%)</b>

\* Cases in this category include all those in which the basis of the charge of discrimination is two or more of the following factors: race or color, religion, national origin, age, sex, or handicap/disability.

# DISTRIBUTION OF CASES BY COUNTY

1980 — 1981

## NUMBER OF CASES

County	Employment	Housing	Public Accommodations	Education	Total
ADAMS	6	4	0	0	10
ALLEGHENY	401	31	19	1	452
ARMSTRONG	5	0	2	0	7
BEAVER	34	0	1	0	35
BEDFORD	3	1	0	0	4
BERKS	40	0	2	0	42
BLAIR	6	0	0	0	6
BRADFORD	4	0	1	0	5
BUCKS	64	7	5	0	76
BUTLER	9	0	1	0	10
CAMBRIA	31	1	0	0	32
CAMERON	0	0	0	0	0
CARBON	0	0	0	0	0
CENTRE	14	3	3	0	20
CHESTER	33	10	0	0	43
CLARION	2	0	0	0	2
CLEARFIELD	7	0	0	0	7
CLINTON	0	0	0	0	0
COLUMBIA	6	3	0	0	9
CRAWFORD	8	0	0	0	8
CUMBERLAND	70	4	2	1	77

## NUMBER OF CASES

County	Employment	Housing	Public Accommodations	Education	Total
DAUPHIN	293	5	18	3	319
DELAWARE	72	10	2	4	88
ELK	1	0	0	0	1
ERIE	25	3	3	0	31
FAYETTE	20	6	2	0	28
FOREST	0	0	0	0	0
FRANKLIN	12	0	1	0	13
FULTON	0	0	0	0	0
GREENE	4	1	1	0	6
HUNTINGDON	10	1	0	0	11
INDIANA	5	0	0	0	5
JEFFERSON	5	0	0	0	5
JUNIATA	0	0	2	0	2
LACKAWANNA	20	0	0	0	20
LANCASTER	36	0	0	0	36
LAWRENCE	19	2	0	0	21
LEBANON	18	2	0	0	20
LEHIGH	21	1	2	0	24
LUZERNE	25	2	1	1	29
LYCOMING	28	2	0	0	30
McKEAN	1	0	0	0	1
MERCER	21	1	3	0	25
MIFFLIN	7	1	0	0	8
MONROE	11	0	2	0	13



## NUMBER OF CASES

County	Employment	Housing	Public Accommodations	Education	Total
MONTGOMERY	201	22	5	0	228
MONTOUR	1	0	0	0	1
NORTHAMPTON	24	0	0	0	24
NORTHUMBERLAND	6	0	0	0	6
PERRY	1	1	0	0	2
PHILADELPHIA	354	14	16	12	396
PIKE	1	0	0	0	1
POTTER	0	0	0	0	0
SCHUYLKILL	17	0	2	0	19
SNYDER	7	0	0	0	7
SOMERSET	1	0	0	0	1
SULLIVAN	2	0	0	0	2
SUSQUEHANNA	1	0	1	0	2
TIOGA	4	0	0	0	4
UNION	2	0	0	0	2
VENANGO	10	0	0	0	10
WARREN	5	0	0	0	5
WASHINGTON	29	1	1	0	31
WAYNE	3	0	0	0	3
WESTMORELAND	55	2	2	0	59
WYOMING	0	0	0	0	0
YORK	114	4	1	1	120
OUT-OF-STATE	0	0	0	0	0
ALL COUNTIES	2,239	145	101	23	2,508

# CLASSIFICATION OF RESPONDENTS

Respondent	1980-1981 Number	Cumulative 1956 — June 30, 1981	
		Number	Per Cent
<b>EMPLOYMENT</b> .....	<b>2,239</b>	<b>20,579</b>	<b>100</b>
Employer .....	2,156	19,488	95
Employment Agency .....	0	253	1
Union .....	62	571	3
Newspaper .....	16	261	1
Abettor .....	5	6	—
<b>HOUSING</b> .....	<b>145</b>	<b>3,336</b>	<b>100</b>
Owner .....	80	1,978	59
Real Estate Agent .....	28	1,045	31
Builder .....	4	87	3
Mortgagor .....	7	69	2
Abettor .....	0	8	—
Newspaper .....	0	53	2
Miscellaneous .....	26	96	3
<b>PUBLIC ACCOMMODATIONS</b> .....	<b>101</b>	<b>1,745</b>	<b>100</b>
Hotels and Motels .....	0	96	6
Eating and Drinking Places .....	9	340	20
Retail Stores .....	6	110	6
Recreation and Amusement Places .....	5	227	13
Personal Services (Barber, beauty, health, etc.) .....	6	200	11
Resorts (hotels, lodges, etc.) .....	0	38	2
Abettor .....	0	4	—
Misc. (Newspapers, periodicals, other) .....	75	730	42
<b>EDUCATION</b> .....	<b>23</b>	<b>266</b>	<b>100</b>
College and University, Private .....	9	15	6
College and University, Public .....	5	100	38
Vocational, Business .....	3	12	5
Vocational, Technical and Trade .....	5	45	17
Public School, Secondary .....	0	64	24
Public School, Elementary .....	0	22	8
Private School, Secondary .....	0	6	2
Other .....	1	2	—

# DISPOSITION OF CASES CLOSED BY THE COMMISSION

July 1, 1980 — June 30, 1981

Disposition	Employment	Housing	Public Accommodations	Education	Total
Unlawful Practice Found and Adjusted	1,100 ( 39%)	57 ( 37%)	68 ( 54%)	4 ( 14%)	1,229 ( 39%)
Specific Charge not Established	1,087 ( 38%)	57 ( 37%)	21 ( 16%)	13 ( 45%)	1,178 ( 38%)
Lack of Jurisdiction	117 ( 4%)	9 ( 6%)	9 ( 7%)	2 ( 7%)	137 ( 4%)
Case Withdrawn or Complainant Failed to Proceed	523 ( 19%)	32 ( 20%)	29 ( 23%)	10 ( 34%)	594 ( 19%)
<b>TOTAL</b>	<b>2,827 (100%)</b>	<b>155 (100%)</b>	<b>127 (100%)</b>	<b>29 (100%)</b>	<b>3,138 (100%)</b>

# DISPOSITION OF CASES CLOSED BY THE COMMISSION

Cumulative 1956 — June 30, 1981

Disposition	Employment	Housing	Public Accommodations	Education	Total
Unlawful Practice Found and Adjusted	6,137 ( 34%)	1,533 ( 50%)	889 ( 56%)	72 ( 31%)	8,631 ( 37%)
Specific Charge not Established	7,724 ( 42%)	1,039 ( 33%)	383 ( 24%)	107 ( 45%)	9,253 ( 40%)
Lack of Jurisdiction	1,029 ( 6%)	133 ( 4%)	110 ( 7%)	10 ( 4%)	1,282 ( 6%)
Case Withdrawn or Complainant Failed to Proceed	3,335 ( 18%)	417 ( 13%)	200 ( 13%)	48 ( 20%)	4,000 ( 17%)
<b>TOTAL</b>	<b>18,225 (100%)</b>	<b>3,122 (100%)</b>	<b>1,582 (100%)</b>	<b>237 (100%)</b>	<b>23,166 (100%)</b>



## **SYSTEMIC ENFORCEMENT DIVISION**

To more properly reflect the nature of its specialized work, the former Affirmative Enforcement Division this year was renamed the Systemic Enforcement Division. The new title more aptly proclaims the fact that this Division focuses its efforts on systems of employment practices which — although they may be neutral on their face — have the effect of excluding or limiting the opportunities of minorities or women, and the enforcement activities which follow a finding of systemic discrimination.

Centralized in a headquarters office operation at the close of the previous report year, the Systemic Enforcement Division has strengthened its procedures for processing cases and has established a new system for monitoring the agreements reached in the conciliation of pattern cases to date.

Findings from the extended series of public hearing in the sex discrimination case involving the Crown Cork and Seal Company and Local 266 of the Sheet Metal Production Workers Union, AFL-CIO, were prepared for the final order in the case, but complicated legal issues delayed issuance of these findings until after the close of this report period.

## **CONTRACT COMPLIANCE DIVISION**

The Commission's Contract Compliance Division coordinated the statewide effort which resulted in the review of more than 5,300 state contracts for compliance with the Commonwealth's anti-discrimination provisions, helped minority contractors to secure a total of more than \$8.7 million in public contracts during the past year, and helped minority-owned businesses to secure \$4 million in loans.

Most of this review work was carried out by compliance officers working in all of the depart-



Governor Raymond P. Shafer, 1967 to 1971, transferred the Commission to the Governor's Office in 1968 to mount a unified and aggressive attack on the causes of racial tension, and helped the Commission secure authority to investigate any problem of racial discrimination or racial tension. He signed bills amending the Human Relations Act to strengthen the injunction process in housing, to broaden the employment provisions, to provide for religious observances by public employees, and to prohibit discrimination on the basis of sex.



ments, boards and commissions under the jurisdiction of the Governor. The staff of the Contract Compliance Division provided direction and training to these compliance officers, and furnished technical assistance to a number of state contractors.

In the review of state contracts, which totalled more than \$4 billion during the year, 25 contractors were issued "show cause notices" relating to deficiencies to be corrected in carrying out the anti-discrimination provisions of their contracts — in accordance with the Commonwealth's continuing commitment to insure fairness to all in the process of contracting for goods and services.

The Contract Compliance Division also worked with a number of federal agencies to insure non-discrimination in contracts involving federal as well as state funds, including Gallery II, a multi-million dollar office and shopping project in Philadelphia.

In a legal development crucial to the entire contract compliance program of the state, the Pennsylvania Supreme Court ruled in a case involving the Hospital Association of Pennsylvania that inasmuch as 173 of 175 hospitals receiving state funds were complying with non-discrimination provisions, it was not likely that "irreparable harm" would result from the requirement that hospitals sign such guarantees to be eligible for state funds. The Court set aside a preliminary injunction that had been granted by Commonwealth Court and vacated the decree of the lower court.

Members of the Commission's Contract Compliance Advisory Board for 1980-81 were as follows:

**Contractor and Contractors Associations —** Harold E. Irwin; Henry L. Heck, Associated Pennsylvania Contractors; Jack Bishop, Public Affairs, Hershey Foods Corporation; Larry Myers, President, Myers Associates Incorporated.

**Labor Unions —** Robert Getz, President, Carpenter Local 287; Thomas H. Miller, Executive Secretary, Pennsylvania State Building and Construction Trades Council; Howard Grabert, Business Manager, IBEW Local 126; Joseph Licastro, Regional Director, Laborers International Union; Harry Boyer, President, Pennsylvania AFL-CIO.

**At-Large Representatives —** Richard W. Mahoney, Executive Director, Negro Trade Union Leadership Council; Joseph E. Podolsky, Manager of Employee Relations, General Electric Company, Erie; Sister Ann Elizabeth Bowler, Pennsylvania Catholic Conference.

**Human Rights —** Arthur Pisula, Director of Marketing, Business Resources Center; Alfred Wadley, Walter L. Lowery, Sr., Executive Director, Urban League of Metropolitan Harrisburg; Rev. Donald McIlvane, President, Pennsylvania Equal Rights Council; Ervin W. Lewis, Executive Director, PEOPLES Program, Inc.

**State Government —** Clarence Smith, Director, Bureau of Minority Business Development; Olivia Peck, Director of Affirmative Action, Pennsylvania Housing Finance Agency; Melvin Johnson, Contract Compliance Division, Department of General Services; Clinton A. Howard, Affirmative Action, Military Affairs Department.

Harry Boyer served as Chairperson of the Board. Ex officio members of the Board were Doris M. Leader, Vice-Chairperson, Pennsylvania Human Relations Commission, and Margaret Hunting, Department of Justice.

## LEGAL DIVISION

Legal staff of the Commission helped to negotiate the payment of \$194,000 to women involved in the settlement of a General Electric Company case. Although the Commission's order finding that the Company had violated the sex provisions of the law was upheld by Commonwealth Court in 1977, agreement was not reached until this year on the number of individuals entitled to back pay and the amount of such payments.

Major legal activity also was devoted to the first handicap and disability cases appealed to court, to the preparation of guidelines on affirmative action and sexual harassment, and to the Hospital Association case explained in the Contract Compliance section of this report.

Back problems, eyesight and obesity are the conditions involved in the handicap and disability cases appealed by respondents to Commonwealth Court.

The Legal Division also drafted amendments to the Commission's procedural regulations to expedite the closing of cases. The amendments were adopted by the Commission and approved by the Justice Department.

Commission attorneys handled a large amount of court activity in addition to appeals of Commission orders. Included was a case involving the Allentown Human Relations Commission. When the Commonwealth Court ruled that the federal Employee Retirement Income Security Act (ERISA) pre-empted part of local and state human relations laws dealing with pregnancy disability benefits, the Pennsylvania Commission filed an amicus brief and was permitted to participate in an appeal to the Pennsylvania Supreme Court.

Of the 38 cases approved for public hearing during the year, 21 were adjusted, 4 were withdrawn and 7 were presented at public hearing. Final orders were prepared and issued in 13 cases.

Internally, the Legal Division prepared training material for Commissioners on the conduct of public hearings, and briefed Commissioners on issues related to back pay formulation.

Litigation activity during the year is summarized in the following list of courts and the number of cases handled in each:

Commonwealth Court.....	14
Pennsylvania Supreme Court.....	4
U.S. District Courts .....	8
U.S. Court of Appeals.....	2
Courts of Common Pleas.....	4



Governor William W. Scranton, 1963 to 1967, signed bills amending the Human Relations Act to provide for injunctions in housing cases, to broaden the employment provisions of the Act, to provide for local human relations commissions, and to provide for the issuance and posting of fair practice notices. Governor Scranton issued a Code of Fair Practices to ensure that non-discrimination would be practiced in all areas of state government, and persuaded the Legislature to increase by nearly 50% the budget of the Commission, to ensure more work to head off racial conflicts.



# TECHNICAL ASSISTANCE

Technical assistance is provided by the Commission to help people and organizations to comply with the Pennsylvania Human Relations Act, to prevent problems entirely, or to solve them informally before they escalate into major problems that require formal action.

## HOUSING DIVISION

The Commission received two competitive contracts during the year from the U.S. Department of Housing and Urban Development (HUD) — attributed in part to the Commission's past successful efforts in working cooperatively with the Pennsylvania Association of Realtors. The Association and many of its local boards promote the adoption and use of standardized non-discrimination practices in selling and renting housing, and help to police their own members to insure compliance with the State's fair housing law. By the year's end, 41 of 53 local Realtor boards in Pennsylvania were parties to agreements with the Commission to insure equal opportunity in housing. Additional local agreements signed during the year covered Realtors in the Pike-Wayne area, Lewistown, Altoona-Blair County and Lawrence County.

Under one HUD contract, the Commission began work on the development of cooperative agreements — similar to the Realtor Agreements — with other organizations that represent various categories of possible respondents in housing-related fields.

Under the other HUD contract, the Commission was authorized to jointly produce with the Pennsylvania Association of Realtors a public service television announcement fostering compliance with state and national fair housing laws.

The Commission also received funds to develop a sustainable capacity to process housing

complaints deferred to the Commission by HUD, and to devise an innovative housing case-processing system.

To streamline and improve procedures and handling housing complaints, the Housing Division prepared a new housing case intake manual and revised the Commission's housing intake packet and the form used for consent orders in housing cases.

The housing staff also performed much of the work related to the Commission's Eastern Delaware County investigatory hearing, described later in the section on Community Services.

## EDUCATION DIVISION

A major project to improve the quality of education in desegregated school districts in Pennsylvania was carried out in the Spring of 1981 by staff members from the Commission and the Department of Education.

On-site visits to 15 school systems which have implemented desegregation plans produced information on remaining problems in each of the districts, as well as data on aspects of the desegregation experience which improved the quality of education received by school children in these districts.

Team members from the two agencies compiled information on topics ranging from absenteeism and dropouts to post-high school activities of graduates, with emphasis on techniques that each school system has found most effective for equalizing educational opportunities and participation-achievement outcomes.

School districts visited were Allentown City, Bristol Township, Chester-Upland, Clairton City, Coatesville Area, Duquesne City, Greater Johnstown, McKeesport Area, New Castle Area,



New Kensington-Arnold, Penn Hills, Pottstown, Uniontown Area, Washington and West Chester Area.

The Commission also achieved a "first" in terms of technical assistance to school districts seeking to better integrate their staff by compiling a directory of "Pennsylvania Affirmative Action Recruitment Sources for School District Professional Personnel." The initial distribution list included Pennsylvania's 505 school districts, 83 area vocational-technical schools and 29 intermediate units, the 76 colleges and universities that contributed data, along with a number of local human relations and civil rights organizations.

Elsewhere on the desegregation scene, the Commission received an acceptable revision of its desegregation plan from the McKeesport Area School District, and conditionally approved a revised plan submitted by the William Penn School District for desegregating its elementary schools.

The Coatesville Area School District also submitted a revision of its desegregation plan to the Commission.

Further arguments on desegregation in both the Philadelphia and Pittsburgh school systems were heard by Commonwealth Court during the year, but no final rulings were made by the Court until after the close of this report period.

In Erie, teacher contract language was suggested by the Commission in order to prevent teacher layoffs from impacting adversely on Black teachers.

The Commission also engaged in a major effort during the year to remedy patterns in Pennsylvania Schools in which the coaches of girls teams were being paid less than the coaches of boys teams. Complaints were initiated against several school districts and unions, and consultant service was given to a number of school districts and unions attempting to work out equitable solutions to the problem.

The Commission worked closely with the Conference on Black Basic Education, which sponsored a seminar on Black student achievement, and a staff member served on a Department of Education task force on community involvement.



Governor David L. Lawrence, 1959 to 1963, sponsored a statewide conference on housing discrimination to document the need for a Fair Housing Law in Pennsylvania. Housing and public accommodation provisions were added to the law in 1961 and the Fair Educational Opportunities Act was adopted the same year. Governor Lawrence also established by Executive Order a Code of Fair Practices to assure fairness in state government operations.

# COMMUNITY SERVICES DIVISION

Scrutiny of racial tension in Eastern Delaware County and the issuance of recommendations to protect Black persons from violence and harassment when they attempt to move into homes in the area were among the Commission's accomplishments in the area of community services.

Based on the testimony of 22 witnesses at an investigatory hearing held in October in Yeadon and Upper Darby, the Commission concluded that many Black persons have experienced terroristic acts of violence and other forms of harassment when they tried to move into or live peaceably in Eastern Delaware County, and that elected officials and police, particularly in Upper Darby, did not exhibit the sense of urgency that is properly demanded in such situations.

The Commission recommended that Yeadon and Upper Darby each establish a broad-based human rights organization to provide support to Black families who have been victimized or who may be victimized by racial harassment, and urged — among other things — that elected officials and police in Yeadon and Upper Darby work together with the Delaware County District Attorney to apprehend, arrest and prosecute persons who engage in racially-motivated harassment, threats, intimidation and terrorism. The Commission pledged to provide technical assistance to all public officials in such matters.

At about the same time that the Commission was issuing its recommendations for improving race relations in Eastern Delaware County. The Philadelphia *Inquirer* published an article and an editorial praising the work of the Commission and the response of residents of Abington Township to an incident of racial harassment in that Montgomery County community. The *Inquirer* said that implementation of key recommendations from a Commission investigatory hearing in Abington Township three years earlier was one reason for the community's positive response to the 1981 incident, and for the healthy turnaround in attitudes.

The Commission also concentrated substantial energy into other activities related to tension,

including the job of relaying facts on tension incidents to other agencies that are members of the Governor's Civil Tension Task Force, and becoming a source for authoritative information on the activities of extremist groups in Pennsylvania.

The Commission recorded 42 tension situations during the past year — the same number as in the previous year. Thirty of these situations required extensive staff time and field contacts, while the remaining 12 were listed as inquiries not necessitating staff assignment. Most of the latter dealt with activities of the Ku Klux Klan. The largest group of serious tension situations were related to Black families moving into integrated or previously White neighborhoods, with the next most frequent cause being harassment and vandalism, and tension incidents at schools. There also was evidence that a growing area of concern is conflict between community people and police over such issues as situations in which the use of deadly force can be justified.

Commission staff assisted at 14 conferences and workshops on human relations issues, attended by a total of 1,290 persons. One of these sessions was a regional meeting of employers who discussed hiring of the handicapped — tied in with the observance of the International Year of the Disabled Individual. Other workshops dealt with affirmative action, including one sponsored by a 44-member United Fund that looked at a three-pronged approach for considering affirmative action in the delivery of its services — in the employment of its staff, in its membership activities and in representation on its decision-making boards. The Director of the Community Services Division served on the planning advisory council of SETCO — the Susquehanna Employment and Training Corporation — helping to assure consideration of equal opportunity and affirmative action principles in the review of contracts totalling more than \$3 million.

Assistance was provided to 14 local human relations Commissions in projects and problems related to such topics as employment opportunities, affirmative action in home financing, employment of the handicapped and legal services for Hispanics. Commission staff also furnished training and technical assistance to staff members of local human relations agencies.



Advisory Councils, whose members are appointed by the Commission, operate in six areas of the state. Major activities and accomplishments of these citizen councils are noted below, and their membership is listed on the following pages of this report:

Blair County — Members helped to implement the Commission's fair housing agreement with local Realtors, and worked with officers of the Altoona Campus of the Pennsylvania State University on protection against housing discrimination for students attending the school.

Centre County — The Council developed an employment affirmative action program in cooperation with merchants in the community, and worked on a program to promote housing opportunities for Blacks and international students and faculty.

Eastern Montgomery County — The Council focused attention on the job needs of the poor and

disadvantaged by means of an approach to the Montgomery County Manpower Consortium, and helped to reactivate a human relations council in the Cheltenham area.

Johnstown — Members worked with school districts and parents to support the local Headstart program, and presented a scholarship award for human rights to a local school district.

McKeesport — Council members assisted the Commission and its staff in reviewing and evaluating a supplemental desegregation plan submitted by the McKeesport Area School District.

York County — Members of the Council completed work on a community human relations survey designed to document changes from an earlier study, and met with the York Chief of Police concerning police relations with the Hispanic community and other neighborhood groups.



Governor George M. Leader, 1955 to 1959, provided the executive leadership that helped to secure passage of the Pennsylvania Fair Employment Practice Act in 1955 — after 10 years of effort. Governor Leader, in making the initial appointments to the Commission and in providing resources to the new agency, established a policy of non-partisan support for the Commission that has been adhered to by all subsequent Governors.



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July 1, 1980 — June 30, 1981

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# THE COMMISSIONERS

Although accomplishments of the Commission reflect credit on the 11 Commissioners who establish policy and direct the work of the staff in the implementation of the Pennsylvania Human Relations Act, the personal role of these women and men is especially evident in two activities of the Commission during the past year.

In the Eastern Delaware County Investigatory Hearing, Commissioners listened to witnesses and asked questions of the citizens and public officials who testified concerning race-related acts of terrorism, and took the lead in developing the recommendations which followed the hearing.

Commissioners also listened to testimony and discussed citizen comments prior to their adoption

of guidelines to help employers engaged in carrying out voluntary affirmative action programs.

Overall activities and workload of the Commissioners is summarized in the following chart:

Final Orders approved.....	13
Consent Orders, Conciliation	
Agreements approved.....	98
Commission Meetings.....	12
Compliance Sessions .....	12
Training Institute Sessions .....	3
Public Hearings Conducted .....	7
Number of Days of Hearing .....	17
Pre-Hearing Conferences .....	20



Governor John S. Fine, 1951 to 1955, appointed the Governor's Commission on Industrial Race Relations to study the extent of employment discrimination in Pennsylvania. The Commission conducted extensive research and made a finding that 9 out of 10 firms surveyed discriminated because of race, religion or national origin in the hiring of workers — thus laying a firm basis of need for an enforceable fair employment practice law.



Review and determination of staff recommendations for disposition of complaints . . . . .	3,138
Review and determination of petitions for reconsideration of complaint dispositions . . . . .	159

The Commissioners also issued statements of policy relating to the murders of 25 Black children in Atlanta, Georgia, and to a national holiday honoring the late Dr. Martin Luther King, Jr.

Noting that the issue of protection for all children in America was at stake in the Atlanta situation, the Commission adopted a resolution urging the federal government, and state and local governments, to do more to investigate and solve those murders.

The Commission commended Governor Dick Thornburgh for issuing an executive order establishing January 15, 1981 — the birthdate of Dr. King — as a special state holiday for state employes, and went on record favoring the establishment of a national holiday January 15th as an appropriate way to mark the life and achievements of the slain civil rights leader.

Commissioners also took pride in the fact that Chairperson Joseph X. Yaffe was selected in June to be the recipient of a Bronze Medallion Award from the Chapel of the Four Chaplains in Philadelphia — given in recognition of service to all people regardless of race or faith.

## CHAIRPERSONS OF THE COMMISSION

Harry Boyer, President of the Pennsylvania AFL-CIO, chaired the Commission from its establishment in 1956 to 1969.

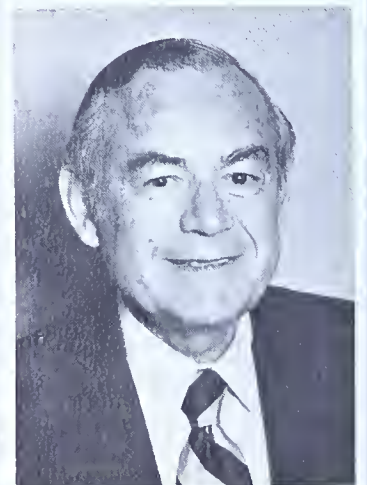


Max Rosenn, an attorney, chaired the Commission from 1969 until 1970 when he was appointed a federal court judge.



Everett E. Smith, retired industrial relations manager for Western Electric Co. in Reading, chaired the Commission from 1970 to 1974.

Joseph X. Yaffe, an attorney, has been serving as Chairperson of the Commission since 1974.



# LEGISLATION

The Pennsylvania Human Relations Act provides for the Commission to make recommendations to the Governor and to the members of the General Assembly each year with respect to legislation it feels is desirable to assist in the struggle against discrimination.

These recommendations are set forth below, along with a brief explanation of each.

**Hearing Examiner** — A technical amendment to the Pennsylvania Human Relations Act is needed to authorize the Commission to appoint a hearing examiner to conduct public hearings. The law currently specifies that hearings be conducted by three Commissioners — a cumbersome and time-consuming process that causes delays in scheduling and inconvenience to both complainants and respondents. As is true now, decisions in cases heard by a hearing examiner would be made by the Commission itself.

**Housing Protection** — Housing provisions of the Act need to be strengthened and made more specific to prevent such practices as panic selling and racial steering. In panic selling, unscrupulous real estate salespeople use various scare tactics to frighten White homeowners into agreeing to sell their homes. In racial steering, some real estate firms use a variety of techniques to encourage homeseekers who are White to buy homes in White neighborhoods, and to maneuver Blacks into all-Black or already-integrated neighborhoods.

**Age** — The term “age” in the Act should be redefined to prohibit discrimination in employment against persons “40 years of age or older.” At present the state law limits protection to persons “40 to 62” years of age. The Federal age discrimination law covers most employees to age 70.

**Compensatory Damages** — An amendment is needed to authorize the Commission to award compensatory damages to victims of discrimination. The law currently provides for back pay, but does not specify that any other forms of compensation may be awarded to persons who have suffered a loss in connection with a violation of the Act.

**Use of Public Funds** — The law should be amended to prohibit any form of discrimination in the programs of those who receive funds from the federal and/or state government, and provide for the Commission to grant technical assistance to fund recipients to assure compliance with the law.

**Retaliation** — The act should be amended to include specific language to prohibit retaliation against persons who have filed complaints or served as witnesses in housing or public accommodations cases — similar to such protection currently in the law for persons involved in employment complaints.

**Time Limit** — The time period for filing complaints — currently 90 days — should be extended to 180 days to give more protection to victims of discrimination, and to make the Act consistent with Title VII of the U.S. Civil Rights Act of 1964.

**Commission Per Diem** — The present \$30 per diem compensation to Commissioners engaged in Commission business should be increased, commensurate with the amounts paid in other similarly constituted agencies.

**Procedure** — The act should be clarified to specify that a majority of Commissioners in office shall constitute a quorum, and state that a majority vote shall be sufficient to convene an investigatory hearing to prevent racial tension.



## EXECUTIVE DIRECTORS OF THE COMMISSION



Elliott M. Shirk headed the Commission staff from its inception to 1968.



Milo A. Manly served as Executive Director of the Commission from 1968 to 1970.



Homer C. Floyd has served as the Commission's Executive Director since 1970.





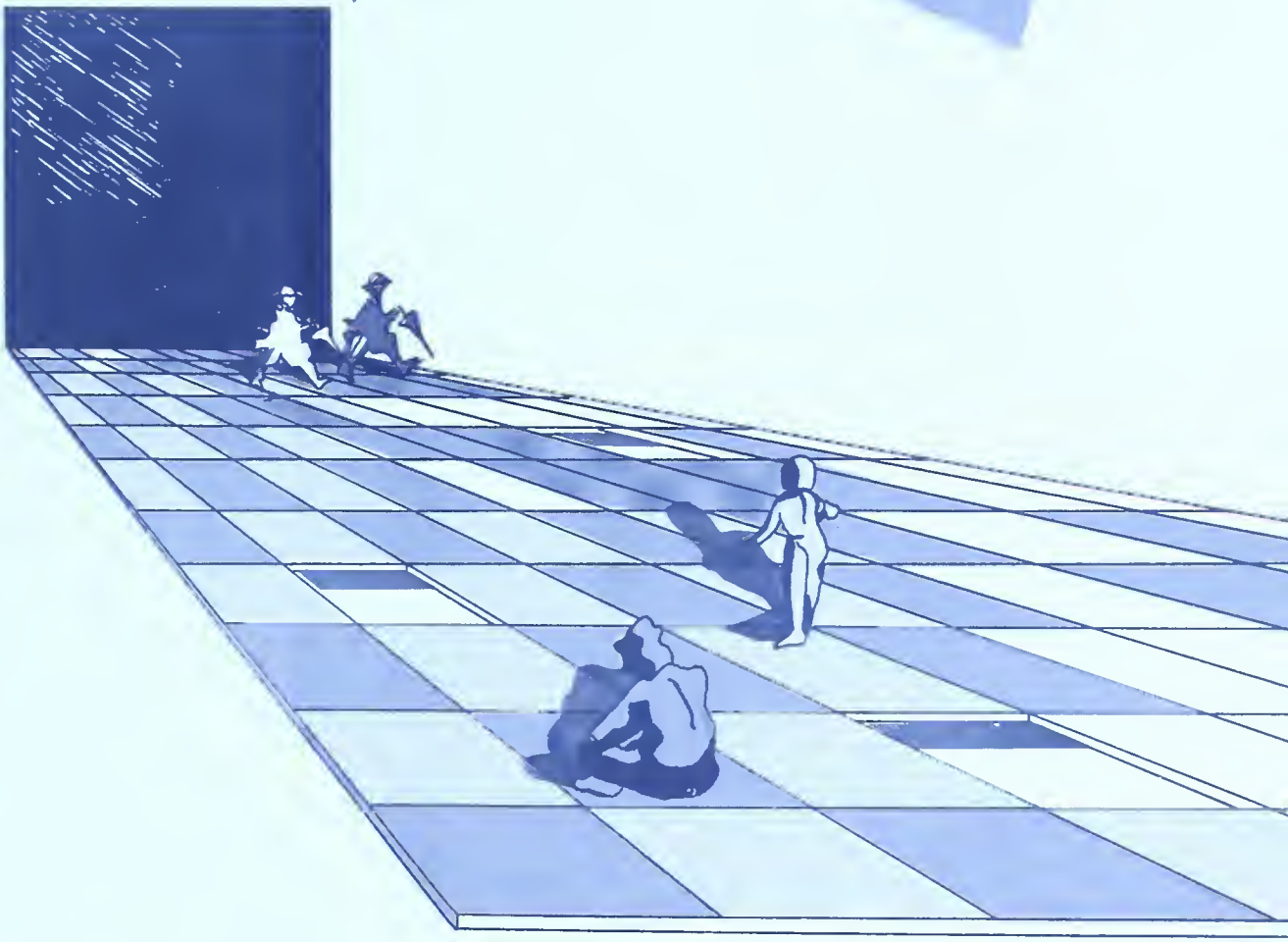
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Pennsylvania Human Relations Commission



# PENNSYLVANIA HUMAN RELATIONS COMMISSION

## Officers

Chairperson — Joseph X. Yaffe, Wyncote  
Vice-Chairperson — Doris M. Leader, York  
Secretary — Elizabeth M. Scott, Pittsburgh  
Assistant Secretary — John P. Wisniewski, Pittsburgh

• • • • •

## Commissioners

Rita Clark, Johnstown	Benjamin S. Loewenstein, Philadelphia
Mary Dennis Donovan, C.S.J., Baden	Thomas L. McGill, Jr., Philadelphia
Alvin E. Echols, Jr., Philadelphia	Robert Johnson Smith, Elkins Park
Raquel Otero de Yiengst, Sinking Spring	

• • • • •

## Executive Office

Homer C. Floyd  
Executive Director

**PENNSYLVANIA HUMAN RELATIONS COMMISSION  
ANNUAL REPORT 1981-1982**

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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HUMAN RELATIONS COMMISSION

The Honorable Dick Thornburgh  
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly  
Commonwealth of Pennsylvania

Dear Governor Thornburgh and  
Members of the General Assembly:

The Pennsylvania Human Relations Commission performs a special role during periods of economic recession, when increased competition for jobs and housing often is accompanied by heightened tension within and between groups of people in the Commonwealth.

In the period covered by this report for the fiscal year 1981-1982--which was marked by high unemployment and underemployment, and by limited opportunities in the housing market--the Commission performed a vital service in making objective investigations and settlements of discrimination complaints.

Discrimination always is a matter of great concern to the individuals involved, but during times of stress and tension this assumes an even deeper significance. As the Commission sorts out wrongdoing from impressions of wrongdoing--and provides jobs, back pay, and housing when violations of the law are documented, and dismisses complaints when it finds no evidence of discrimination--it helps to prevent tension and unrest which might result either from unresolved grievances or from suspicion and rumors.

The Commission is proud of the record it has established as a firm but fair law enforcement agency. The Commissioners and staff are dedicated to the task to end illegal discriminatory practices in Pennsylvania. The Commission's goal is to assure employment, housing, education, and the use of places of public accommodation, and to help to eliminate discrimination occasioned by such factors as race or color, religion, ancestry or national origin, age, sex, handicap or disability.

The Commission earnestly solicits your continued support in carrying out the mandate of the Pennsylvania Human Relations Act.

Chairperson  
JOSEPH X. YAFFE

Vice-Chairperson  
DORIS M. LEADER

Secretary  
ELIZABETH M. SCOTT

Assistant Secretary  
JOHN P. WISNIEWSKI

Executive Director  
HOMER C. FLOYD



Joseph X. Yaffe  
Chairperson

Commissioners

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ALVIN E. ECHOLS, JR.  
BENJAMIN S. LOEWENSTEIN

THOMAS L. MCGILL, JR.  
ROBERT JOHNSON SMITH  
RAQUEL OTERO DE YIENGST



# LAW ENFORCEMENT

Law Enforcement is the Commission's major function, as mandated by the Pennsylvania Human Relations Act and the Pennsylvania Fair Educational Opportunities Act, and as evidenced by the impressive statistics amassed during the year.

The Commission began the fiscal year 1981 with 2,822 cases. Staff docketed 2,759 new cases – 251 more than in the previous year – producing a total caseload of 5,581 for the fiscal year ended 1982. All references to a designated year are to the stated fiscal year.

Despite a continued shrinking of staff in a period of stringent budgets (staff members decreased in number from 204 in 1977-78 to 165 in 1981-82), the Commission closed 3,084 complaints during the year, thus reducing the compliance backlog by 325 cases. This was the third consecutive year in which the Commission has been successful in reducing its case backlog.

In the process, more than \$4.6 million in job benefits, backpay, and other remedies were secured for victims of discrimination. Of this total, \$1.7 million came directly from Compliance action, \$2 million from Contract Compliance activities, and \$900,000 from the Systemic Enforcement Program.

Age discrimination cases swelled during the year, with many of them related to the economic recession and employer efforts to reduce payroll costs. Complaints were filed by persons who believed their age was a factor in the selection of employees for furlough or layoff, or who were forced into early involuntary retirement. In some instances, employers terminated long-time productive workers simply to replace them with younger persons at a lower wage rate.

To deal more effectively with the increase in age discrimination cases, the Commission developed new guidelines for the investigation of such complaints, and trained staff to analyze

the unique employment practices that adversely impact older workers.

Staff also received additional training in special techniques for investigating charges of sexual harassment, another area in which the volume of cases has been increasing in recent years.

Overall, additional streamlining and strengthening of the case management system was carried out, resulting in a more rapid processing of cases, either to an early settlement or to an expedited investigation schedule.

Commission staff also handled 13,879 informal complaints in 1982, compared to 12,415 the previous year. The service provided in these situations, while requiring considerable staff time to resolve, eliminated the need for persons to file formal charges in most instances.

(Detailed statistics on the Commission's compliance efforts follow on subsequent pages.)

Commission efforts to identify and correct systemic discrimination in the employment practices of larger employers resulted in hiring, retention or promotion of more than 30 minority or female workers, with new salaries and benefits totalling nearly \$900,000.

Increased monitoring of consent orders signed in previous years helped to insure that hiring commitments and other employment changes were implemented according to the agreed schedules.

Another major component in the Commission's law enforcement effort is the Contract Compliance Program. Contract Compliance Officers in each of the Departments, Boards, and Commissions in State Government implement and monitor the anti-discrimination clauses in state contracts, as required by executive order and regulations. The Commission's Contract Compliance Division

supervises the work of the various agencies in reviewing contracts and handles problem situations.

More than 4,700 state contracts, with a value of more than \$872 million were reviewed during the year. Jobs for 135 minority construction workers and benefits exceeding \$2 million resulted from these efforts.

The Contract Compliance Division provided special assistance to the City of Johnstown, which established a new affirmative action program and committed itself to the employment of minority group persons in each of its seven departments when economic conditions permit new hiring.

Members of the Commission's Contract Compliance Advisory Board reviewed new regulations proposed by the U.S. Office of Federal Contract Compliance Programs, and discussed their impact on Pennsylvania. Harry Boyer, who had served as president of the Advisory Board since its formation in 1974, resigned when he retired as president of the Pennsylvania AFL-CIO and was replaced by Julius Uehlein, new president of the state labor body.

Members of the Advisory Board are:

**Contractor and Contractors Association** – Harold E. Irwin, Philadelphia; Henry L. Heck, Associated Pennsylvania Contractors; Jack Bishop, Public Affairs, Hershey Foods Corporation; Larry Myers, President, Myers Associates Inc.; William R. Pressley, Jr., 100 S. Development Corporation.

**Labor Unions** – Robert Getz, President, Carpenter Local 287; Thomas H. Miller, Executive Secretary, Pennsylvania State Building and Construction Trades Council; Howard Grabert, Business Manager, IBEW Local 126; Joseph Licastro, Regional Director, Laborers International Union; Harry Boyer, President, Pennsylvania AFL-CIO.

**At-Large Representatives** – Richard W. Mahoney, Executive Director, Negro Trade Union Leadership Council; Joseph E. Podolsky, Manager of Employee Relations, General Electric Company, Erie; Sister Ann Elizabeth Bowler, Pennsylvania Catholic Conference; Robert E. Boulden, Executive Director, Federal Executive Board MBOE, Pittsburgh; Michael G. Bowles, Executive Director, Harrisburg Human Relations Commission.

**Human Rights** – Arthur Pisula, Director of Marketing, Business Resources Center; Alfred Wadley, Harrisburg; Walter L. Lowery, Sr., Executive Director, Urban League of Metropolitan Harrisburg; Rev. Donald McIlvane, President, Pennsylvania Equal Rights Council; Ervin W. Lewis, Executive Director, PEOPLES Program, Inc.

**State Government** – Clarence Smith, Director, Bureau of Minority Business Development; Olivia Peck, Director of Affirmative Action, Pennsylvania Housing Finance Agency; Melvin Johnson, Contract Compliance Division, Department of General Services; Charles F. Clark, Affirmative Action Officer, Department of Labor and Industry; Viola Brabham, Contract Compliance Officer, Department of Environmental Resources.

**Ex officio** members were Doris M. Leader, Vice-Chairperson, Pennsylvania Human Relations Commission, and Margaret Hunting, Department of Justice.

Although an increase in age discrimination cases is reported earlier in this section, and success in combatting sexual harassment is highlighted elsewhere in this report, the statistics which follow confirm that racial discrimination cases continue to constitute the largest single category of complaints handled by the Commission – in employment, in housing, in education, and in places of public accommodation.

# COMPLIANCE STATISTICS

## GEOGRAPHICAL DISTRIBUTION OF CASES BY REGION

1956 — June 30, 1982

Number of Complaints								
	Region I (a)		Region II (b)		Region III (c)		State Total	
Area of Jurisdiction	1981-1982	Cumulative	1981-1982	Cumulative	1981-1982	Cumulative	1981-1982	Cumulative
Employment . . . . .	685	8,019	1,048	7,744	786	7,335	2,519	23,098
Housing . . . . .	40	1,189	35	1,036	71	1,257	146	3,482
Public Accommodations .	26	767	33	578	23	482	82	1,827
Education . . . . .	2	76	4	76	6	126	12	278
<b>All Areas . . . . .</b>	<b>753</b>	<b>10,051</b>	<b>1,120</b>	<b>9,434</b>	<b>886</b>	<b>9,200</b>	<b>2,759</b>	<b>28,685</b>

- (a) Region I includes 23 contiguous counties in the western part of the state, with its office located in Pittsburgh.
- (b) Region II includes 39 contiguous counties in the central and northeastern portion of the state, with its office located in Harrisburg.
- (c) Region III includes 5 contiguous counties located in southeastern Pennsylvania, with its office located in Philadelphia.



# BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION

July 1, 1981 — June 30, 1982

Basis	Employment	Housing	Public Accommodations	Education	Total
Race or Color . . . . .	661 ( 25%)	93 ( 64%)	40 ( 50%)	8 ( 67%)	802 ( 29%)
Religion . . . . .	25 ( 1%)	1 ( 1%)	1 ( 1%)	2 ( 17%)	29 ( 1%)
National Origin . . . . .	54 ( 2%)	2 ( 1%)	2 ( 2%)	0 ( — )	58 ( 2%)
Age . . . . .	391 ( 16%)	0 ( — )	0 ( — )	0 ( — )	391 ( 14%)
Abortion Views . . . . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
G.E.D. Certificate . . . . .	1 ( — )	0 ( — )	0 ( — )	0 ( — )	1 ( — )
Sex . . . . .	551 ( 22%)	15 ( 10%)	25 ( 30%)	1 ( 8%)	592 ( 21%)
Handicap/Disability . . . . .	295 ( 12%)	13 ( 9%)	8 ( 10%)	0 ( — )	316 ( 13%)
Illegal Ad or Application Form . . . . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
Guide Dog Use . . . . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
*Multiple . . . . .	394 ( 16%)	22 ( 15%)	5 ( 6%)	1 ( 8%)	422 ( 15%)
Retaliation . . . . .	147 ( 6%)	0 ( — )	1 ( 1)	0 ( — )	148 ( 5%)
<b>TOTAL . . . . .</b>	<b>2,519 (100%)</b>	<b>146 (100%)</b>	<b>82 (100%)</b>	<b>12 (100%)</b>	<b>2,759 (100%)</b>

*\*Cases in this category include all those in which the basis of the charge of discrimination is two or more of the following factors: race or color, religion, national origin, age, sex, or handicap/disability.*

# BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION

Cumulative 1956 — June 30, 1982

Basis	Employment	Housing	Public Accommodations	Education	Total
Race or Color . . . . .	9,341 ( 40%)	2,706 ( 78%)	1,287 ( 71%)	183 ( 66%)	13,517 ( 47%)
Religion . . . . .	478 ( 2%)	29 ( 1%)	30 ( 2%)	10 ( 3%)	547 ( 2%)
National Origin . . . . .	814 ( 4%)	79 ( 2%)	38 ( 2%)	17 ( 6%)	948 ( 3%)
Age . . . . .	2,338 ( 10%)	0 ( — )	0 ( — )	0 ( — )	2,338 ( 8%)
Abortion Views. . . . .	2 ( — )	0 ( — )	1 ( — )	0 ( — )	3 ( — )
G.E.D. Certificate . . . .	1 ( — )	0 ( — )	0 ( — )	0 ( — )	1 ( — )
Sex . . . . .	5,141 ( 22%)	199 ( 6%)	278 ( 15%)	28 ( 10%)	5,646 ( 20%)
Handicap/Disability . . .	1,623 ( 7%)	58 ( 2%)	82 ( 5%)	0 ( — )	1,763 ( 6%)
Illegal Ad or Application Form . . . .	776 ( 4%)	221 ( 6%)	31 ( 2%)	13 ( 5%)	1,041 ( 4%)
Guide Dog Use . . . . .	0 ( — )	4 ( — )	3 ( — )	0 ( — )	7 ( — )
*Multiple . . . . .	2,255 ( 10%)	184 ( 5%)	53 ( 3%)	27 ( 10%)	2,519 ( 9%)
Retaliation . . . . .	329 ( 1%)	2 ( — )	4 ( — )	0 ( — )	335 ( 1%)
<b>TOTAL . . . . .</b>	<b>23,098 (100%)</b>	<b>3,482 (100%)</b>	<b>1,827 (100%)</b>	<b>278 (100%)</b>	<b>28,685 (100%)</b>

\*Cases in this category include all those in which the basis of the charge of discrimination is two or more of the following factors: race or color, religion, national origin, age, sex, or handicap/disability.

# DISTRIBUTION OF CASES BY COUNTY

1981 – 1982

## NUMBER OF CASES

County	Employment	Housing	Public Accommodations	Education	Total
ADAMS	13	2	1	0	16
ALLEGHENY	459	29	19	5	512
ARMSTRONG	1	0	0	0	1
BEAVER	33	2	0	0	35
BEDFORD	2	0	0	0	2
BERKS	50	0	1	0	51
BLAIR	18	0	0	0	18
BRADFORD	6	0	0	0	6
BUCKS	40	13	0	0	53
BUTLER	12	0	0	0	12
CAMBRIA	22	1	0	0	23
CAMERON	0	0	0	0	0
CARBON	5	0	2	0	7
CENTRE	26	1	1	0	28
CHESTER	55	6	0	1	62
CLARION	0	0	0	0	0
CLEARFIELD	6	0	0	0	6
CLINTON	2	0	0	0	2
COLUMBIA	4	0	0	0	4
CRAWFORD	8	0	0	0	8
CUMBERLAND	97	4	2	0	103



## NUMBER OF CASES

County	Employment	Housing	Public Accommodations	Education	Total
DAUPHIN	316	9	10	0	335
DELAWARE	90	19	15	1	125
ELK	3	0	0	0	3
ERIE	23	0	1	0	24
FAYETTE	8	2	0	0	10
FOREST	1	0	0	0	1
FRANKLIN	15	1	0	0	16
FULTON	1	0	0	0	1
GREENE	5	0	0	0	5
HUNTINGDON	5	1	3	0	9
INDIANA	6	0	0	0	6
JEFFERSON	2	0	0	0	2
JUNIATA	0	0	0	0	0
LACKAWANNA	24	1	0	0	25
LANCASTER	68	7	3	0	78
LAWRENCE	17	0	1	0	18
LEBANON	15	0	0	0	15
LEHIGH	44	0	1	0	45
LUZERNE	22	3	1	0	26
LYCOMING	34	3	1	0	38
McKEAN	3	0	0	0	3
MERCER	8	0	0	0	8
MIFFLIN	92	0	1	0	93
MONROE	4	0	1	0	5

# NUMBER OF CASES

County	Employment	Housing	Public Accommodations	Education	Total
MONTGOMERY	187	19	3	2	211
MONTOUR	4	0	0	0	4
NORTHAMPTON	22	0	0	0	22
NORTHUMBERLAND	10	1	0	1	12
PERRY	3	0	0	0	3
PHILADELPHIA	413	14	5	2	434
PIKE	4	0	0	0	4
POTTER	2	0	1	0	3
SCHUYLKILL	11	0	0	0	11
SNYDER	6	0	0	0	6
SOMERSET	4	0	0	0	4
SULLIVAN	0	0	0	0	0
SUSQUEHANNA	1	0	0	0	1
TIOGA	1	0	0	0	1
UNION	2	0	1	0	3
VENANGO	1	0	0	0	1
WARREN	7	0	0	0	7
WASHINGTON	38	2	1	0	41
WAYNE	2	0	0	0	2
WESTMORELAND	43	5	3	0	51
WYOMING	0	0	0	0	0
YORK	93	1	4	0	98
OUT-OF-STATE	0	0	0	0	0
ALL COUNTIES	2,519	146	82	12	2,759

## CLASSIFICATION OF RESPONDENTS

Respondent	1981-1982	Cumulative 1956 — June 30, 1982	
	Number	Number	Per Cent
<b>EMPLOYMENT</b> .....	<b>2,519</b>	<b>23,098</b>	<b>100</b>
Employer .....	2,474	21,962	95
Employment Agency .....	1	254	—
Union .....	32	603	3
Newspaper .....	8	269	—
Abettor .....	4	10	—
<b>HOUSING</b> .....	<b>146</b>	<b>3,482</b>	<b>100</b>
Owner .....	92	2,070	59
Real Estate Agent .....	36	1,081	31
Builder .....	5	92	3
Mortgagor .....	2	71	2
Abettor .....	0	8	—
Newspaper .....	0	53	1
Miscellaneous .....	11	107	3
<b>PUBLIC ACCOMMODATIONS</b> .....	<b>82</b>	<b>1,827</b>	<b>100</b>
Hotels and Motels .....	2	98	5
Eating and Drinking Places .....	5	345	19
Retail Stores .....	9	119	7
Recreation and Amusement Places .....	4	231	13
Personal Services (Barber, beauty, health, etc.) .....	0	200	11
Resorts (hotels, lodges, etc.) .....	0	38	2
Abettor .....	0	4	—
Schools, Newspapers, and Miscellaneous .....	62	792	43
<b>EDUCATION</b> .....	<b>12</b>	<b>278</b>	<b>100</b>
College and University, Private .....	1	16	6
College and University, Public .....	3	103	37
Vocational, Business .....	3	15	5
Vocational, Technical and Trade .....	2	47	17
Public School, Secondary .....	0	64	23
Public School, Elementary .....	0	22	8
Private School, Secondary .....	0	6	2
Other .....	3	5	2



## DISPOSITION OF CASES CLOSED BY THE COMMISSION

July 1, 1981 — June 30, 1982

Basis	Employment	Housing	Public Accommodations	Education	Total
Unlawful Practice Found and Adjusted	1,155 ( 42%)	52 ( 29%)	51 ( 50%)	8 ( 42%)	1,266 ( 41%)
Specific Charge not Established	1,089 ( 39%)	78 ( 44%)	13 ( 13%)	8 ( 42%)	1,188 ( 39%)
Lack of Jurisdiction	142 ( 5%)	6 ( 3%)	7 ( 7%)	0 ( — )	155 ( 5%)
Case Withdrawn or Complainant Failed to Proceed	400 ( 14%)	42 ( 24%)	30 ( 30%)	3 ( 16%)	475 ( 15%)
<b>TOTAL</b>	<b>2,786 (100%)</b>	<b>178 (100%)</b>	<b>101 (100%)</b>	<b>19 (100%)</b>	<b>3,084 (100%)</b>

## DISPOSITION OF CASES CLOSED BY THE COMMISSION

Cumulative 1956 — June 30, 1982

Basis	Employment	Housing	Public Accommodations	Education	Total
Unlawful Practice Found and Adjusted	7,292 ( 35%)	1,585 ( 48%)	940 ( 56%)	80 ( 31%)	9,897 ( 38%)
Specific Charge not Established	8,816 ( 42%)	1,117 ( 34%)	396 ( 23%)	115 ( 45%)	10,441 ( 40%)
Lack of Jurisdiction	1,171 ( 6%)	139 ( 4%)	117 ( 7%)	10 ( 4%)	1,437 ( 5%)
Case Withdrawn or Complainant Failed to Proceed	3,735 ( 17%)	459 ( 14%)	230 ( 14%)	51 ( 20%)	4,475 ( 17%)
<b>TOTAL</b>	<b>21,011 (100%)</b>	<b>3,300 (100%)</b>	<b>1,683 (100%)</b>	<b>256 (100%)</b>	<b>26,250 (100%)</b>

# LEGAL EFFORTS AND RESULTS

Major issues litigated by the Commission during the year included discrimination because of race, sex, handicap, pregnancy disability, sexual harassment and religion.

As a follow-up action in a lengthy sex discrimination case involving the Crown Cork and Seal Company, which the Commission found had discriminated against females, with the acquiescence of the union representing its employees, the Commission issued an amended final order providing backpay for a number of women workers and requiring the restructuring of the plant seniority system to protect workers in the future. It is estimated that the amount of backpay and other benefits owed workers amounts to more than \$450,000.

A consent order signed with the Allentown School District resulted in the school district providing an additional \$6,000 to female athletic programs in an affirmative effort to equalize the facilities for female and male participants in athletic programs. Earlier the district had equalized the salaries of women and men who coached girls and boys athletic teams. The effect of this case was to spur settlements of similar cases in a number of other school districts.

Awards of backpay were affirmed by courts in five separate cases.

The legal staff of the Commission was involved in the following categories of litigation:

- 33 cases in Commonwealth Court
- 3 cases in the Pennsylvania Supreme Court
- 8 cases in U.S. District Courts
- 3 cases in U.S. Appeals Courts
- 5 cases in county Common Pleas Court

The Commission's authority to subpoena records and other documents needed in case investigations was at issue in 10 of the legal proceedings during the year.

Legal staff participated in training sessions for Commissioners on the conduct of public hearings.

In cooperation with the Dickinson School of Law, Commission attorneys assisted in a clinical program designed to expose law students to discrimination law in an administrative setting.

# SEXUAL HARASSMENT

*Periodically the Commission highlights an area of its jurisdiction in which there is increased activity or appears to be a need for discussion. Sexual harassment is not a new practice, and it has constituted a violation of the Pennsylvania Human Relations Act since the prohibition against sex discrimination was added to the Act in 1969, but during the last several years victims of sexual harassment have been filing complaints in increasing numbers.*

Among the cases docketed during the year were 40 complaints of sexual harassment, one of the most debasing and ugliest forms of sex discrimination.

Although a few people dismiss reports of sexual harassment as exaggerated or non-existent, and cases often are difficult to investigate because of the absence of witnesses, many instances of sexual harassment have been thoroughly documented by the Commission, by other human rights agencies and by the courts.

Fortunately there is a growing body of law upholding action against violators.

Guidelines published by the Commission clearly define sexual harassment:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

The Commission is referring here, not to normal employer-employee relationships, but to the situation in which a woman's (for example) employment status is placed in jeopardy, depending upon her response to sexual overtures by her employer or supervisor.

In other words, it's not illegal for an employer or supervisor to ask an employee for a date if that person is free to say either "yes" or "no", without any concern that his or her job will be affected by the answer.

In contrast to issues involving voluntary relationships, however, many of the situations brought to the attention of the Commission

during the past year were not at all polite or voluntary. The seriousness of sexual harassment should be judged by instances such as these:

- A woman's employer continuously made sexual remarks regarding her appearance, and demanded that she socialize with him after work hours. When she refused a specific request that she go out with him on a particular night, she was fired from her job.
- The manager of a company pressed his body against a woman employee, placed his hands on her body and exposed himself. When she refused requests to meet him at bars, motels or the back room of the office, the manager spread rumors about her, which led to her dismissal.
- A woman's supervisor at work demanded that she have sexual relations with him. He grabbed her face and kissed her. When she rejected his advances and laughed at him, he called her a derogatory name and forced her to resign her job.


More and more the Commission is finding that most sex harassers engage in such behavior regularly, and that when one victim comes forward, other victims – current employees, former employees and job applicants – provide information on their experiences.

Public information about sexual harassment cases encourages other victims to file complaints. In many instances the Commission has been able to secure reinstatement of those who were fired (usually in a different department or facility of the company). Others who did not wish to return to the same employer received cash settlements.

Speeches by Commission staff, and seminars sponsored by business groups, unions and women's organizations further alert employees and employers that sexual harassment will not be tolerated.

A shameful and dehumanizing practice is being ended in Pennsylvania.





# TECHNICAL ASSISTANCE – HOUSING, EDUCATION AND COMMUNITY SERVICE

Although the Commission is, first and foremost a law enforcement agency, a major part of its activity is directed to the attainment of its goals by means of technical assistance, community service and education.

Technical assistance was provided to a large and diverse group of people as a means of helping them to understand provisions of the Human Relations Act and the Fair Educational Opportunities Act, and to comply with these measures.

## Housing Program

The Commission expanded this year on its successful efforts of the past to enroll major segments of the housing industry in cooperative programs for fostering compliance with the Pennsylvania Human Relations Act.

The model of a successful program in which state and local Boards of Realtors helping to enforce the state's fair housing law was used by the Commission in drawing up similar proposals for review by apartment owners associations, home mortgage lending institutions and other groups of businesses involved in providing housing for Pennsylvanians.

A television public service spot announcement was produced by the Commission and the Pennsylvania Association of Realtors as part of ongoing cooperative efforts to educate the public toward compliance with the fair housing law. The message of the TV announcement: whether an owner uses a broker or sells a house privately, the sale is subject to the housing provisions of the Pennsylvania Human Relations Act.

Staff of the housing division also helped to educate the public that sexual harassment of renters and applicants for housing is unlawful

and should be reported to the Commission. Women's organizations statewide were contacted and the American Civil Liberties Union revised a pamphlet on sexual harassment to include advice to victims of harassment in terms of landlord-tenant relations.

The Commission's Executive Director served on the Governor's Housing Task Force, and the Director of Housing served on a sub-committee on special access problems experienced by women, minorities and the handicapped.

Increasingly the Commission has become involved – and achieved successes – in securing housing opportunities for individuals in residential living facilities in the face of opposition by neighbors or municipalities. A Commission-initiated complaint helped to obtain a permit for a residential facility for retarded persons in South-Central Pennsylvania after a township zoning officer ruled that such use was not permitted in the community.

Following legislative passage and the signing by Governor Dick Thornburgh of an amendment to the Pennsylvania Human Relations Act protecting persons who use guide dogs because of deafness, the Commission contacted local

human relations commissions and organizations representing handicapped persons, informing them of the provisions of the new law.

Increased training was provided to members of the Commission's housing staff during the year. Also receiving and sharing in some of this training were representatives of the Harrisburg and Lancaster Human Relations Commissions, and fair housing activists from the neighboring state of Delaware.

## Education

Recommendations were made to administrators of 15 desegregated school systems in Pennsylvania following on-site visits by staff members of the Commission and the State Department of Education. Findings of the study team also were provided to community leaders who took part in meetings that were held in connection with the on-site visits.

School officials were praised for efforts to expand quality education programs, and for policies and practices that expand equal opportunity for pupils, teachers and non-professional staff.

Deficiencies in a school district's implementation of its desegregation plan were pointed out, and recommendations made for corrective action.

After analyzing the findings from the 15 on-site visits, the Department of Education also made a special study of the minority representation in special education and gifted programs, and sent recommendations for corrective actions where need was evident.

The Commission itself, using data supplied by the Department of Education, completed a study of the participation of non-White and female students in Pennsylvania's vocational-technical schools. Principal findings included the fact that there was under-participation of non-White students in 22% of all vo-tech schools, with serious under-representation in particular skill

Although the percentage of housing cases involving discrimination on the basis of sex and handicap or disability rose during the past year, the primary workload of the Commission continued to be race discrimination cases. Of the 146 housing complaints filed, 93 alleged discrimination on the basis of race or color – nearly two-thirds of the total.

areas such as the construction trades. In 36% of all vo-tech schools, female students constituted less than one-third of the enrollment.

Staff of the Commission worked with the staff of the Department of Education's Vocational Education Equity Program to redesign the criteria by which the Department selects vocational education schools and programs for on-site compliance visits.

The Commission also investigated the issue of Black and Hispanic representation in licensed practical nurse programs and shared the results of its study with the State Board of Nurse Examiners and the Pennsylvania Advisory Council on Vocational Education.

As noted earlier in this report, a well-publicized agreement with the Allentown School District helped the Commission to secure agreements equalizing the salaries of coaches of girls and boys athletic teams at a number of other school districts around the state.

A study of prejudice in Pennsylvania's public schools has been initiated as a result of Commission activity. An analysis will be made of the results of testing pupils in Grades 5, 8 and 11 over a four-year period regarding their attitudes toward persons of differing races, religions, nationalities and handicaps. The Department of Education and the Regional Office of the Anti-Defamation League of B'nai B'rith are cooperating in the project.



The Commission also worked cooperatively with a number of other organizations dedicated to improving intergroup education, including the Pennsylvania State Conference of Branches of the National Association for the Advancement of Colored People, with whom it co-sponsored several educational programs and workshops.

The Commission's Director of Education testified before the State Board of Education regarding proposed revisions of curriculum regulations for Pennsylvania schools, and — as a result — was asked to participate in the work of a committee to define the goals of quality education with respect to understanding others.

Late in the year, Commonwealth Court ordered the school districts of both Philadelphia and Pittsburgh to improve their desegregation plans, and to submit revisions to the Commission.

The Court directed the Philadelphia board to modify its 1976 desegregation plan to give

serious consideration to the pairing of elementary schools as recommended by its associate superintendent, and the reassignment of pupils affected by school closings in a fashion which will promote desegregation rather than perpetuate segregation. The Court also ordered the board to use the Commission's definition of a segregated school in modifying its desegregation plan.

In the case of Pittsburgh, the Court directed the school board to make further improvements in its desegregation plan. Specifically, the Court instructed the Pittsburgh Board to modify its plan by giving consideration to the recommendations of the Commission and the Community Advisory Committee in making plans for the desegregation of South, Schenley and Westinghouse High Schools, and for correcting racial imbalance at 19 elementary schools identified as remaining segregated according to the Commission's guidelines.

## Community Services

Efforts to solve housing-related problems also occupied much of the time of staff members working in the Community Services programs.

Because many of the recommendations stemming from the Commission's investigatory hearing in Eastern Delaware County focus on the need to protect the housing rights of Blacks and other minority group persons seeking homes in that area, the Commission continued to work closely with local Boards of Realtors and municipal officers on cooperative programs. The Delaware County Board of Realtors communicated with offices of 49 municipalities in the county concerning cooperation in housing tension situations, and three communities most directly affected by the Commission's recommendations arranged for members of their police departments to take special training at Temple University. The Commission cooperated with Delaware County officials in reviewing the advantages and feasibility of a proposed county-wide human relations ordinance.

On a statewide basis, racial tension associated with Black families moving into previously all-White or predominantly White neighborhoods was a major type of tension incident handled by the Commission. Efforts by the Governor's Civil Tension Task Force to resolve such problems were coordinated by the staff of the Commission. A total of 40 incidents recorded by the Commission were judged serious enough to require the assignment of staff to help reduce tension among individuals and groups.

Commission staff also worked extensively in Chester to assist residents hard-hit by unemployment and other major problems. Cooperative efforts with officials of the CETA program to insure opportunities for low-income people in job training programs resulted in a 50% increase in the number of minority group persons from Chester participating in such training. The Commission joined other state agencies in a special conference to assist the city of Chester with its massive unemployment problems.



Other major types of tension involved Ku Klux Klan organizing activities, other actions whose perpetrators were not identified – including cross burnings and vandalism of religious or ethnic institutions, and racial unrest or tension arising from incidents at schools.

The Commission cooperated with the U.S. Civil Rights Commission, the Community Relations Service of the U.S. Justice Department, the Governor's Civil Tension Task Force, Pennsylvania State Police, local human relations councils and other community groups to exchange information and learn more effective ways to deal with increased activity on the part of the Ku Klux Klan and other hate groups in Pennsylvania.

To assist local groups and individuals to comply with the Pennsylvania Human Relations Act and to prevent racial and religious tension, the Commission sponsored 12 seminars and workshops in various localities, drawing more than 900 participants.

Ongoing programs to enlist local citizens in the Commission's educational program were carried out in six areas of the state in which the Commission has established advisory councils.

In each of those communities, a cross-section of the population, serving without pay, helps to promote a better understanding of the provisions of the Pennsylvania Human Relations Act, and to advise the Commission of information it obtains about human rights problems and their solution.

Advisory Councils and some of their activities are as follows:

**Blair County** – Members reviewed the Commission's case intake and case handling procedures, and helped in the development of a non-discrimination policy for off-campus housing for students at the Altoona Center of Pennsylvania State University.

**Centre County** – The Council developed an affirmative action program for local employers, and provided assistance to new Puerto Rican residents of State College.

**Eastern Montgomery County** – Council members worked with municipal and school officials to help reduce racial tension in the Cheltenham area, and discussed action that could be taken to find employment for local young people.

**Johnstown** – Members worked with the Greater Johnstown Affirmative Action Council to secure commitments for minority hiring in forthcoming construction projects, and presented a human relations scholarship award to an area school district.

**McKeesport** – Council members reviewed school desegregation efforts and other human relations problems in the community.

**York County** – Members assisted with a police-citizen seminar on police responsibility, and resumed work on a survey and report on the status of human relations in York County.

Members of the Commission's Advisory Councils were as follows:

## ADVISORY COUNCIL MEMBERS

July 1, 1981 - June 30, 1982

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Mrs. Patricia L. Schultz  
\*Mrs. Mary E. Tribue

*\*Immediate Past Chairperson*

*\*\*Deceased*



# MANAGEMENT

The activities of the Commission's staff across Pennsylvania during the past year were directed by a management team headed by Executive Director Homer C. Floyd.

Working with Floyd in the Commission's Headquarters Executive Office in Harrisburg were Special Assistant Louise Oncley; General Counsel Robert S. Mirin, who resigned during the year; Personnel Director Iris Cooley and Acting Personnel Director Patricia Thompson, who served most of the year; Administrative Services Director Peter O'Neill, and Director of Publicity and Information Frank D. Davis.

Program Directors were Howard L. Tucker, Jr., Director of Compliance; Brenda J. Hamer, Director of the Systemic Enforcement Division until her resignation near the end of the report year; Harold Nelson, Director of Contract Compliance; Richard B. Anliot, Director of Education; and Joseph D. Smith, Jr., Director of Community Services.

Services to residents of Pennsylvania were provided from regional offices in Pittsburgh, Harrisburg, and Philadelphia.

The Pittsburgh Regional Office, serving people in 23 counties in Western Pennsylvania, was managed by Regional Director George A. Simmons.

The Harrisburg Regional Office, which served residents of 39 counties in Central and Northeastern Pennsylvania, was managed by Regional Director Thelma G. Johnson. She resigned at the close of the report year.

Residents of 5 counties in Southeastern Pennsylvania were served by the Philadelphia Regional Office, whose Regional Director was Sandra Holman Bacote.

# LEGISLATION

Two major legislative recommendations of the Commission for many years have been achieved.

The Commission's request for authority to appoint hearing examiners to conduct public hearings, and its suggestion that protection against age discrimination in employment be extended to age 70 were endorsed by Governor Thornburgh and approved by the Legislature.

In addition, the General Assembly adopted and Governor Thornburgh signed a bill broadening the housing and public accommodations provisions of the Pennsylvania Human Relations Act to prohibit discrimination against persons who use guide dogs because of deafness.

Strengthening of the fair housing provisions of the Act remain a major concern of the Commission, which is pleased that a number of its recommendations have been approved and incorporated into the report of the Governor's Housing Task Force.

The Commission recommends that the fair housing provisions of the Act be amended to:

- (1) Strengthen protection against such practices as panic selling and racial steering. Panic selling is caused by unscrupulous real estate salespeople who use scare tactics to frighten White homeowners into agreeing to sell their homes. Racial steering is the term used to describe the practices of some real estate firms which encourage homeseekers who are White to buy homes in White neighborhoods, and to maneuver Blacks into all-Black or already-integrated neighborhoods.
- (2) Authorize the awarding of compensatory damages to victims of discrimination in housing who can establish financial losses as the result of their unlawful treatment.
- (3) Specify that protection against housing discrimination applies to housing owned or

occupied by an individual for his or her own use. (Currently the law applies only to housing that is being offered for rent or sale and does not protect a current owner against discrimination by political subdivisions in such matters as the issuance of permits.)

Other Commission legislative recommendations follow, with a brief explanation of each:

**Use of Public Funds** – The law should be amended to prohibit any form of discrimination in the programs of those who receive funds from the federal and/or state government, and authorize the Commission to provide technical assistance to recipients of such funds to assure compliance with the law.

**Retaliation** – The act should be amended to include specific language to prohibit retaliation against persons who have filed complaints or served as witnesses in housing or public accommodations cases – similar to such protection currently in the law for persons involved in employment complaints.

**Time Limit** – The time period for filing complaints – currently 90 days – should be extended to 180 days to make the Act consistent with Title VII of the U.S. Civil Rights Act of 1964, and to give more protection to victims of discrimination.

**Commission Per Diem** – The present \$30 per diem compensation to Commissioners engaged in Commission business should be increased, commensurate with the amounts paid in other similarly constituted agencies. (The Philadelphia Commission on Human Relations pays \$75 per diem.)

**Procedure** – The Act should be clarified to specify that a majority of Commissioners in office shall constitute a quorum, and state that a majority vote shall be sufficient to convene an investigatory hearing to prevent racial tension.

# THE COMMISSIONERS

The activities and the accomplishments of staff detailed in this report all reflect the work of the 11 Commissioners in their role of establishing policy and overseeing the work of staff.

The Commissioners themselves compiled an impressive set of statistics in carrying out their specific responsibilities. These statistics include the following:

Final Orders approved . . . . .	7
Consent Orders, Conciliation	
Agreements approved . . . . .	49
Commission Meetings . . . . .	12
Compliance Sessions . . . . .	12
Training Institute Sessions . . . . .	4
Public Hearings Conducted . . . . .	7
Number of Days of Hearing . . . . .	14
Pre-Hearing Conferences Held . . . . .	22
Review of staff action in making	
disposition of complaints . . . . .	3,028
Review and determination of petitions	
for reconsideration of complaint	
dispositions . . . . .	153

New regulations authorizing the Executive Director to close cases and to approve cases for public hearing were authorized by Commissioners in amendments to Chapter 42 of 16 Pa. Code, effective July 25, 1981.

The Commissioners also urged members of Pennsylvania's Congressional Delegation to reintroduce the Equal Rights Amendment to the United States Constitution. Commissioners said all women and men should be guaranteed that government will not deny or abridge their rights because of their sex, and said the Equal Rights Amendment will help to prevent such abuse.

The Commissioners issued a statement following the publication of a newspaper interview with William Bradford Reynolds, Chief of the Civil Rights Division of the United States Justice Department, in which Mr. Reynolds challenged the constitutional validity of two U.S.

Supreme Court rulings on laws designed to combat discrimination against minorities and women. The Commissioners' statement took strong exception to Mr. Reynolds' views and questioned whether in light of his position his suitability to serve as Chief of Civil Rights for the federal government was not seriously compromised.

The death of Roy Wilkins, longtime leader of the National Association for the Advancement of Colored People, was memorialized by the Commissioners, who praised Wilkins' intelligent and dedicated leadership of the civil rights movement in a time of great turmoil and struggle.

Two members left the Commission during the year: Everett E. Smith of Wyomissing, a former Chairperson of the Commission who ended his service in June, 1981, after his term expired, and Mary Dennis Donovan, C.S.J., who resigned at the close of the report year to accept an educational assignment in Lompoc, California.

New Commissioners are Rita Clark of Johnstown, a civic leader and former member of the Pennsylvania House of Representatives, and Thomas L. McGill, Jr. of Philadelphia, a member of the law firm of Clark and McGill who has had extensive experience in government administration and educational counselling.

Chairperson Yaffe was selected for inclusion in the Sixth Edition of *Who's Who in the World*, and served as a presenter at the 34th annual conference of the International Association of Official Human Rights Agencies in Halifax, Nova Scotia.

Vice-Chairperson Doris M. Leader was honored for her human rights activities by being chosen as a member of the Legion of Honor of the Chapel of Four Chaplains in Philadelphia — an honor also bestowed on Executive Director Homer C. Floyd. The Chapel, an interfaith memorial for the four chaplains who sacrificed



their lives to save others when a troopship was torpedoed during World War II, gives the award for service to all people regardless of race or faith.

Also serving another year as officers of the Commission were Elizabeth M. Scott, Secretary,

and John P. Wisniewski, Assistant Secretary. Other Commissioners completing an additional year of service were Alvin E. Echols, Jr., Benjamin S. Loewenstein, Robert Johnson Smith and Raquel Otero de Yiengst.



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**ANNUAL REPORT  
OF THE  
PENNSYLVANIA  
HUMAN RELATIONS  
COMMISSION**

**1982-1983**

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# PENNSYLVANIA HUMAN RELATIONS COMMISSION

## Officers

Chairperson — Joseph X. Yaffe, Esq., Wyncote  
Vice Chairperson — Doris M. Leader, York  
Secretary — Elizabeth M. Scott, Pittsburgh  
Assistant Secretary — John P. Wisniewski, Pittsburgh

## Commissioners

Rita Clark, Johnstown	Benjamin S. Loewenstein, Esq., Philadelphia
Carl E. Denson, Pittsburgh	Thomas L. McGill, Jr., Esq., Philadelphia
Alvin E. Echols, Esq., Philadelphia	Dr. Robert Johnson Smith, Elkins Park
	Dr. Raquel Otero de Yiengst, Sinking Spring

## Executive Office

Executive Director — Homer C. Floyd

The Pennsylvania Human Relations Commission is an equal opportunity employer.

ANNUAL REPORT — 1982-83  
OF THE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HUMAN RELATIONS COMMISSION

The Honorable Dick Thornburgh  
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly  
Commonwealth of Pennsylvania

Dear Governor Thornburgh and  
Members of the General Assembly:

Pursuant to the requirements of law, we are submitting the Commission's  
report for fiscal year 1982-83.

Increased productivity in handling a larger-than-ever number of  
discrimination complaints is reflected in this report, along with  
the fact that the Commission is performing this work with a smaller  
staff. Creative management and more training for staff certainly  
have helped to make this achievement possible, but an indispensable  
part of this success lies in the commitment of both Commissioners  
and staff members to first-class human rights protection for all  
Pennsylvanians. All of us are proud and we hope you are equally  
proud of the reputation that Pennsylvania has attained nationally  
in this regard.

Members of the Commission appreciate your support of our efforts to  
advance human rights in Pennsylvania.



Joseph X. Yaffe  
Chairperson

Chairperson  
JOSEPH X. YAFFE, ESQ.

Vice-Chairperson  
DORIS M. LEADER

Secretary  
ELIZABETH M. SCOTT

Assistant Secretary  
JOHN P. WISNIEWSKI

Executive Director  
HOMER C. FLOYD

RITA CLARK  
CARL E. DENSON  
ALVIN E. ECHOLS, JR., ESQ.  
BENJAMIN S. LOEWENSTEIN, ESQ.

Commissioners

THOMAS L. MC GILL, JR., ESQ.  
DR. ROBERT JOHNSON SMITH  
DR. RAQUEL OTERO DE YIENGST

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# ANNUAL REPORT OF THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

## HIGHLIGHTS

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Further reduction of the Commission's case backlog was achieved during the fiscal year, despite an increase in new complaints being filed and a reduction in staff complement.

Staff processed and closed a new record of 3,270 complaints — 197 more than the number of new complaints filed — also a new record. In addition, staff handled 13,925 informal complaints, and in so doing solved a substantial number of problems without the necessity of formal complaints being filed.

In the process of investigating and adjusting formal complaints, staff secured direct job offers for 175 persons and promotions for 16, with new salaries, back pay and other employment benefits totaling more than \$2.3 million. In addition, the Commission's contract compliance activities helped to ensure jobs for more than 1100 minorities and women, contracts worth more than \$18 million to minority and

women-owned businesses, and loans of more than \$2.7 million to such firms.

The Commission approved 47 cases for public hearing during the year. Pre-hearing conferences were held in 20 cases, with 19 cases being adjusted. Twelve public hearings were held and after public hearings 12 final orders were approved.

The heavy volume of legal work related to compliance activity — including 55 cases handled in court — is detailed in the section of this report on legal activities.

Technical assistance provided in the areas of housing, community service and education included help for low income housing, protection for group homes for the mentally retarded, several major studies on educational participation and attainment of Black students, and assistance in projects to implement the new Ethnic Intimidation Law.

# LAW ENFORCEMENT

New records were established by the staff of the Commission in investigating and closing complaints of discrimination during the report year.

In closing a total of 3,270 complaints — highest in agency history — staff secured jobs, promotions, back wages and other benefits for victims of discrimination totaling \$2.3 million. In the employment area, this included 175 job offers and 16 promotions. In the housing area, the efforts of staff resulted in 12 offers to rent apartments and 6 cases in which eviction notices were rescinded. In the area of public accommodation, staff work provided equal access to services in 23 business establishments.

The Commission handled a total caseload for the year of 5,382, including complaints pending from the previous year and 3,073 new complaints filed during the year.

In closing 3,270 cases, staff further reduced the compliance backlog by 197 cases. This was the fourth consecutive year in which the Commission was successful in reducing its case backlog, despite a continued reduction in its staff complement.

An unlawful practice was found and adjusted in 39 percent of the cases settled during the year. The specific charge was not established in 47 percent of cases, there was a lack of jurisdiction in 4 percent of cases, and the complaint was withdrawn or the complainant failed to proceed in the remaining 10 percent of cases closed during the year.

Staff also handled 13,925 informal complaints. Although this service required a considerable amount of staff time, it eliminated the need for persons to file formal complaints in most instances.

The docketing of age discrimination complaints increased 52% over the previous year,

reflecting in part an economic situation in which older workers may be disproportionately affected by layoffs, and the broadening of the age range protected under the Human Relations Act to cover workers 40 to 70 years of age.

As in past years, complaints alleging discrimination on the basis of race or color constituted the largest category of cases handled. The ability of the compliance staff effectively to deal with a larger number of complaints resulted from a combination of management techniques and additional training. A review was made of the investigative procedure known as the fact-finding conference to ensure that the process does not result in the complainant securing less than full relief from the effects of any discriminatory practice. An improved procedure was designed and implemented for the handling of complaints that are filed with both PHRC and the Pennsylvania Civil Service Commission.

Commission training sessions also were opened to staff members from other state agencies, including the Bureau of Affirmative Action.

Coordination and monitoring of the State's contract compliance program also helped to produce jobs, contracts and loans for minorities and women in Pennsylvania.

State contracts totaling \$3.7 billion for 19,000 separate contracts were handled by contract compliance officers in the various departments, boards and commissions; 6,650 contracts or 35% of the total were reviewed by staff of the Commission's contract compliance division. Comprehensive reviews of 100% state-funded projects were performed, and technical assistance was provided to private industry and local communities that needed assistance with state and federally-funded projects. All told, these projects provided jobs



for more than 1,100 minorities and women. Minority business establishments were awarded 165 contracts with a value of \$16.4 million, and women business establishments were awarded 37 contracts with a value of \$1.4

million. Minority business enterprises also were approved for loans totaling \$2.7 million.

Statistics on the Commission’s compliance effort during the report year follow.

# PENNSYLVANIA HUMAN RELATIONS COMMISSION

## COMPLIANCE STATISTICS

### GEOGRAPHICAL DISTRIBUTION OF CASES BY REGION

1956 - June 30, 1983

Area of Jurisdiction	Number of Cases							
	Region I (a)		Region II (b)		Region III (c)		State Total	
	1982-1983	Cumulative	1982-1983	Cumulative	1982-1983	Cumulative	1982-1983	Cumulative
Employment . . . . .	861	8,880	1,065	8,809	844	8,179	2,770	25,868
Housing . . . . .	50	1,239	65	1,101	72	1,329	187	3,669
Public Accommodations	27	794	26	604	50	532	103	1,930
Education . . . . .	7	83	4	80	2	128	13	291
<b>All Areas . . . . .</b>	<b>945</b>	<b>10,996</b>	<b>1,160</b>	<b>10,606</b>	<b>968</b>	<b>10,156</b>	<b>3,073</b>	<b>31,758</b>

- (a) Region I includes 23 contiguous counties in the western part of the state, with its office located in Pittsburgh.
- (b) Region II includes 39 contiguous counties in the central and northeastern portion of the state, with its office located in Harrisburg.
- (c) Region III includes 5 contiguous counties located in southeastern Pennsylvania, with its office located in Philadelphia.

# BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION

July 1, 1982 - June 30, 1983

Basis	Employment	Housing	Public Accommodations	Education	Total
Race or Color . . . .	672 ( 24%)	105 ( 56%)	41 ( 40%)	8 ( 62%)	826 ( 27%)
Religion. . . . .	123 ( 4%)	4 ( 2%)	2 ( 2%)	0 ( — )	129 ( 4%)
National Origin. . .	53 ( 2%)	1 ( 1%)	4 ( 4%)	0 ( — )	58 ( 2%)
Age . . . . .	595 ( 22%)	0 ( — )	0 ( — )	0 ( — )	595 ( 19%)
Abortion . . . . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
G.E.D. . . . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
Sex. . . . .	617 ( 22%)	21 ( 11%)	25 ( 24%)	5 ( 38%)	668 ( 22%)
Handicap/Disability. . . . .	239 ( 9%)	23 ( 12%)	20 ( 19%)	0 ( — )	282 ( 9%)
Illegal Ad or Application Form. . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
Guide Dog. . . . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
*Multiple. . . . .	387 ( 14%)	33 ( 18%)	10 ( 10%)	0 ( — )	430 ( 14%)
Retaliation . . . . .	84 ( 3%)	0 ( — )	1 ( 1%)	0 ( — )	85 ( 3%)
<b>TOTAL. . . . .</b>	<b>2,770 (100%)</b>	<b>187 (100%)</b>	<b>103 (100%)</b>	<b>13 (100%)</b>	<b>3,073 (100%)</b>

*\*Cases in this category include all those in which the basis of the charge of discrimination is two or more of the following factors: race or color, religion, national origin, age, sex, or handicap/ disability.*



# BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION

Cumulative 1956 - June 30, 1983

Basis	Employment	Housing	Public Accommodations	Education	Total
Race or Color . . . .	10,013 ( 40%)	2,811 ( 78%)	1,328 ( 69%)	191 ( 66%)	14,343 ( 46%)
Religion. . . . .	601 ( 2%)	33 ( — )	32 ( 2%)	10 ( 3%)	676 ( 2%)
National Origin. . .	867 ( 3%)	80 ( 2%)	42 ( 2%)	17 ( 6%)	1,006 ( 3%)
Age . . . . .	2,933 ( 11%)	0 ( — )	0 ( — )	0 ( — )	2,933 ( 9%)
Abortion . . . . .	2 ( — )	0 ( — )	1 ( — )	0 ( — )	3 ( — )
G.E.D. . . . .	1 ( — )	0 ( — )	0 ( — )	0 ( — )	1 ( — )
Sex. . . . .	5,758 ( 22%)	220 ( 6%)	323 ( 17%)	33 ( 11%)	6,334 ( 20%)
Handicap/Disability. . . . .	1,862 ( 7%)	81 ( 2%)	102 ( 5%)	0 ( — )	2,045 ( 7%)
Illegal Ad or Application Form. . .	776 ( 3%)	221 ( 6%)	31 ( 2%)	13 ( 5%)	1,041 ( 3%)
Guide Dog. . . . .	0 ( — )	4 ( — )	3 ( — )	0 ( — )	7 ( — )
*Multiple. . . . .	2,642 ( 10%)	217 ( 6%)	63 ( 3%)	27 ( 9%)	2,949 ( 9%)
Retaliation . . . . .	413 ( 2%)	2 ( — )	5 ( — )	0 ( — )	420 ( 1%)
<b>TOTAL. . . . .</b>	<b>25,868 (100%)</b>	<b>3,669 (100%)</b>	<b>1,930 (100%)</b>	<b>291 (100%)</b>	<b>31,758 (100%)</b>

\*Cases in this category include all those in which the basis of the charge of discrimination is two or more of the following factors: race or color, religion, national origin, age, sex, or handicap/disability.

# DISTRIBUTION OF CASES BY COUNTY

1982 - 1983

## NUMBER OF CASES

County	Employ- ment	Housing	Public Accommodations	Education	Total
ADAMS	15	4	0	0	19
ALLEGHENY	565	44	12	7	628
ARMSTRONG	7	1	0	0	8
BEAVER	33	1	0	0	34
BEDFORD	4	0	0	0	4
BERKS	51	0	2	2	55
BLAIR	12	0	2	0	14
BRADFORD	9	0	0	0	9
BUCKS	72	12	3	0	87
BUTLER	21	0	0	0	21
CAMBRIA	26	1	1	0	28
CAMERON	0	0	0	0	0
CARBON	4	2	0	0	6
CENTRE	13	0	0	0	13
CHESTER	37	9	1	0	47
CLARION	5	0	1	0	6
CLEARFIELD	12	1	0	0	13
CLINTON	5	0	0	0	5
COLUMBIA	6	0	1	0	7
CRAWFORD	12	0	1	0	13
CUMBERLAND	97	5	3	0	105

## NUMBER OF CASES

County	Employment	Housing	Public Accommodations	Education	Total
DAUPHIN	306	21	7	0	334
DELAWARE	122	19	22	2	165
ELK	2	0	0	0	2
ERIE	38	1	0	0	39
FAYETTE	19	0	9	0	28
FOREST	0	0	0	0	0
FRANKLIN	31	0	0	0	31
FULTON	3	0	0	0	3
GREENE	8	0	0	0	8
HUNTINGDON	1	5	0	0	6
INDIANA	9	0	0	0	9
JEFFERSON	5	0	0	0	5
JUNIATA	4	0	0	0	4
LACKAWANNA	18	7	0	0	25
LANCASTER	61	4	3	0	68
LAWRENCE	15	0	0	0	15
LEBANON	39	0	1	0	40
LEHIGH	59	1	1	0	61
LUZERNE	29	2	2	0	33
LYCOMING	33	4	0	0	37
McKEAN	5	0	0	0	5
MERCER	6	0	0	0	6
MIFFLIN	12	0	0	0	12
MONROE	9	1	0	0	10



## NUMBER OF CASES

County	Employ- ment	Housing	Public Accommodations	Education	Total
MONTGOMERY	161	18	5	0	184
MONTOUR	6	1	0	0	7
NORTHAMPTON	51	2	0	0	53
NORTHUMBERLAND	23	0	0	0	23
PERRY	1	0	0	0	1
PHILADELPHIA	438	14	19	0	471
PIKE	1	0	0	0	1
POTTER	0	0	0	0	0
SCHUYLKILL	16	3	0	0	19
SNYDER	5	0	1	0	6
SOMERSET	0	0	0	0	0
SULLIVAN	0	0	0	0	0
SUSQUEHANNA	1	0	0	0	1
TIOGA	2	0	0	0	2
UNION	4	0	0	0	4
VENANGO	4	0	0	0	4
WARREN	5	0	1	0	6
WASHINGTON	45	2	3	0	50
WAYNE	4	0	0	0	4
WESTMORELAND	49	1	0	0	50
WYOMING	0	0	0	0	0
YORK	114	1	2	2	119
ALL COUNTIES	2,770	187	103	13	3,073

## CLASSIFICATION OF RESPONDENTS

Respondent	1982 — 1983	Cumulative 1956 - June 30, 1983	
	Number	Number	Per Cent
<b>EMPLOYMENT</b> .....	<b>2,770</b>	<b>25,868</b>	<b>100</b>
Employer .....	2,699	24,661	95
Employment Agency .....	0	254	1
Union .....	58	661	3
Newspaper .....	7	276	1
Abettor .....	6	16	—
<b>HOUSING</b> .....	<b>187</b>	<b>3,669</b>	<b>100</b>
Owner .....	137	2,207	60
Real Estate Agent .....	35	1,116	30
Builder .....	1	93	3
Mortgagor .....	2	73	2
Abettor .....	0	8	—
Newspaper .....	0	53	2
Miscellaneous .....	12	119	3
<b>PUBLIC ACCOMMODATIONS</b> .....	<b>103</b>	<b>1,930</b>	<b>100</b>
Hotels and Motels .....	—	98	5
Eating and Drinking Places .....	12	357	19
Retail Stores .....	4	123	6
Recreation and Amusement Places .....	9	240	12
Personal Services (Barber, beauty, etc.) .....	2	202	11
Resorts (hotels, lodges, etc.) .....	—	38	2
Abettor .....	0	4	—
Misc. (Newspapers, schools, other) .....	76	868	45
<b>EDUCATION</b> .....	<b>13</b>	<b>291</b>	<b>100</b>
College and University, Private .....	3	19	6
College and University, Public .....	2	105	36
Vocational, Business .....	2	17	6
Vocational, Technical and Trade .....	4	51	18
Public School, Secondary .....	—	64	22
Public School, Elementary .....	—	22	8
Private School, Secondary .....	—	6	2
Other .....	2	7	2

DISPOSITION OF CASES CLOSED BY THE COMMISSION

JULY 1, 1982 - JUNE 30, 1983

Disposition	Employment		Housing		Public Accommodations		Education		Total	
Unlawful Practice Found & Adjusted	1,131	( 38%)	61	( 36%)	66	( 66%)	5	( 24%)	1,263	( 39%)
Specific Charge Not Established	1,443	( 48%)	73	( 43%)	16	( 16%)	12	( 57%)	1,544	( 47%)
Lack of Jurisdiction	111	( 4%)	8	( 5%)	5	( 5%)	1	( 5%)	125	( 4%)
Case Withdrawn or Complainant Failed to Proceed	296	( 10%)	26	( 16%)	13	( 13%)	3	( 14%)	338	( 10%)
TOTAL	2,981	(100%)	168	(100%)	100	(100%)	21	(100%)	3,270	(100%)

CUMULATIVE 1956 — JUNE 30, 1983

Disposition	Employment		Housing		Public Accommodations		Education		Total	
Unlawful Practice Found & Adjusted	8,423	( 35%)	1,646	( 48%)	1,006	( 56%)	85	( 31%)	11,160	( 38%)
Specific Charge Not Established	10,259	( 43%)	1,190	( 34%)	412	( 23%)	127	( 46%)	11,988	( 41%)
Lack of Jurisdiction	1,282	( 5%)	147	( 4%)	122	( 7%)	11	( 4%)	1,562	( 5%)
Case Withdrawn or Complainant Failed to Proceed	4,031	( 17%)	485	( 14%)	243	( 14%)	54	( 19%)	4,813	( 16%)
TOTAL	23,995	(100%)	3,468	(100%)	1,783	(100%)	277	(100%)	29,523	(100%)



# LEGAL ACTIVITIES

Significant legal rulings or precedents resulted from a number of public hearings and court appeals dealt with during the year by members of the Commission's legal staff.

In its decision upholding the Commission's final order in *Sweeting vs. Pennsylvania State Police*, Commonwealth Court sustained the Commission's regulations concerning conditions which an employer "regards as" a handicap or disability, even though the condition may not impede any major life activity. The order of the Commission required the State Police to offer employment as a trooper to Phyllis M. Sweeting, a Black woman whom the State Police previously had rejected on the basis of a condition termed "allergic rhinitis," which it regarded as a health impairment that eventually would interfere with her ability to perform the job.

In upholding the Commission's order in *White vs. Harmony Volunteer Fire Company*, Commonwealth Court affirmed an employment principle that an employment relationship can exist without pay. The volunteer fire company had rejected the membership application of Pamela White on the basis of her sex, female. The court agreed with the Commission's contention that an employment relationship existed on the basis of the fire company's right to select its "employees," its power to discharge them for non-performance of duties,

and the authority to direct the manner in which such work shall be done.

The Commonwealth Court ruling in *Baker vs. PHRC* would impose a heavy burden on the Commission by requiring it to offer formal hearings to complainants prior to the dismissal of any complaint. Such hearings would have to be held in accordance with the requirements of the Administrative Agency Law, and would entail a formal proceeding, sworn testimony, cross examination, record of testimony, briefs, and a formal finding. It is estimated that 300-500 such hearings would be required each year if the *Baker* decision, which the Commission has appealed, is upheld.

Legal proceedings in which the Commission's legal staff was involved during the year included 35 cases in which decisions were handed down, and 20 others where orders have yet to be issued. The number of cases decided and the number still pending in courts was as follows:

Court of Common Pleas — 4 decided, 2 pending

Commonwealth Court — 18 decided, 14 pending

Pennsylvania Supreme Court — 6 decided, 1 pending

U.S. District Court — 6 decided, 1 pending

U.S. Court of Appeals — 1 decided, 2 pending

# TECHNICAL ASSISTANCE

The Commission extends technical assistance to employers, unions, the housing industry, schools, communities, and individuals, and thereby helps to promote compliance with the law, without the necessity of formal complaints. Despite the ever-increasing requirements of the Commission's law enforcement

efforts, the Commission continued to devote as much attention and staff time as possible to educational and informational activities designed to prevent problems and complaints. These efforts are concentrated in the areas of housing, community service, and education.

## Housing

The Commission tested housing sales and rental offices to identify discriminatory practices under terms of a special contract with the U.S. Department of Housing and Urban Development. Testers were trained to document information secured in visits to rental and sales offices, to determine whether women and minority persons were provided less information, or different information, about available housing. Complaints were initiated in appropriate cases where violations were observed.

Staff of the Housing Division negotiated during the year with various segments of the housing industry to encourage the voluntary adoption and use of standardized non-discriminatory practices in the sale and rental of housing; staff also attempted to obtain specific commitments by local Realtor Associations to police their own membership's compliance with the state's fair housing laws.

Staff participated in the activities of the Governor's Task Force on Housing, chaired a committee on special access problems, and secured Task Force backup for many of the Commission's major legislative recommendations in the housing area. (See section on Legislation.) In April the Commission testified at Legislative Sunset Law hearings in behalf of retaining the State Real Estate Commission, which regulates practices in that industry. The Commission also suggested ways to strengthen the

Real Estate Commission to enable it to do a more effective job in the future.

The Division provided training at a fair housing seminar sponsored by the International Association of Official Human Rights Agencies.

Among the significant cases handled by the housing division was a complaint initiated against a local government which attempted to exclude low income housing from the municipality. A consent order negotiated in the case requires the municipality to carry out an affirmative action program to attract low income tenants.

Another noteworthy case involved the decision of a township zoning officer to exclude a group home for retarded persons. Following an investigation by the Commission, the township reversed the action of its zoning officer and permitted equal access to the group home.

As a result of a decision in a federal court case, the Commission began a re-examination of all agreements with housing authorities in the state, to determine that such agreements are terminated once unlawful exclusionary practices and policies have been remedied.

Among its various outreach activities, the housing division operated a legal clinic in fair housing for students at Dickinson Law School, cooperated with the Pennsylvania Realtors

Association in producing and distributing a television public service announcement on fair housing practices, and prepared information on sexual harassment in the use of housing

## EDUCATION

The nation's first technical assistance agreement between the Office for Civil Rights in the United States Department of Education (OCR) and a state human rights agency was signed in December by officials from the Office for Civil Rights and the Pennsylvania Commission. Increased consultation and cooperation between the two agencies resulted from the agreement, especially in regard to the investigation of discrimination complaints and the negotiation of remedies. At OCR's request, the Pennsylvania Commission developed a bibliography of audio-visual aids on sexual harassment for use by OCR in conducting workshops by educators on the subject.

Cooperative efforts with the Pennsylvania Department of Education resulted in a commitment by the Department to develop a curriculum unit for the secondary level on the operation of the Ku Klux Klan and other hate groups in our society.

Agreement on a desegregation plan for the schools of Pittsburgh was reached by the Commission and the Pittsburgh Board of Education. The desegregation plan provides that if a desegregated school goes out of racial balance by more than 3% beyond the allowable range, corrective action will be taken by the school district the following school year. The school district agreed to racially balance Greenfield Elementary School in Fall, 1983, and to attract 115 additional White students to Schenley High School each year for three years. A program for improvement of educational quality will be designed for each low-achieving Black segregated elementary school not involved in the desegregation plan. The Commission will monitor progress in implementing the entire desegregation plan for five years.

Staff of the Commission met with the staff

services that was included in a pamphlet published by the Pennsylvania affiliate of the American Civil Liberties Union.

of the Philadelphia School District a number of times to work on possible modification of the school district's 1976 desegregation plan. Following the end of the report year, the Commission and the school district approved a Memorandum of Understanding which permitted the school district to implement a voluntary program of desegregation and school improvement over a three year period. The Commission will monitor the results of this effort during the implementation.

The Commission did an analysis of "achievement scores and segregation status of Philadelphia schools, 1981-1982," a study which showed that only desegregated schools and White segregated schools were achieving above the national average. The Commission also analyzed dropouts, transfers and failures of students in the class of 1983 in Philadelphia. The study showed an attrition rate of 50% for Black students from the time of their enrollment as ninth graders until the class graduated, compared to a 40% rate for White students.

School desegregation plans for William Penn School District and Southeast Delco School District also were approved by the Commission. Negotiations were held with York School District to deal with a problem of re-segregation at one of the district's elementary schools. Educational staff of the Commission and the Department of Education also conducted on-site visits in the Spring of 1983 to four school districts implementing desegregation plans: Aliquippa, Erie, Norristown, and Wilkinsburg. The purpose of these visits was to review and evaluate the school district's plan, to identify problems and progress, and to learn about and share effective techniques for equalizing educational opportunities.



Education staff of the Commission also developed a school equity profile, consisting of statistical tables and questions that local human relations agencies can use to identify problems in local school systems.

The Commission in cooperation with the Department of Education completed a study in the Spring of 1983 on the dropout or attrition rates of minority students attending state-owned universities. The overall finding was that the dropout, transfer, and failure rate over a four-year period was 60% for Black students and 59% for Hispanic students, compared with 32% for White students.

## COMMUNITY SERVICE

Technical assistance to local governments and human relations agencies was provided by the Commission on a variety of topics related to non-discrimination and equal opportunity.

Mini-conferences on civil rights were held in six communities in central and western Pennsylvania to update citizens on changes in the law and services available from the Commission, and as training for local human rights groups, municipal officials, social service agencies, and religious leaders in how to assist citizens in filing quality complaints with the Commission. Attending these conferences were residents of the following counties: Adams, Berks, Blair, Cambria, Centre, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Schuylkill, Westmoreland, and York.

Tension incidents serious enough to require

As a result of looking into situations in several school districts in which teacher layoffs or furloughs appeared to have a disparate effect on bilingual teachers, the Commission recommended that the Department of Education create a certification procedure for bilingual teachers.

Commission staff also served on a Department of Education task force on "Understanding Others" which developed an outline of objectives and activities for developing attitudes and skills helpful to students in reaching a goal of understanding students different from themselves.

the assignment of staff to investigate and to help reduce tension among individuals and groups numbered 26 in the report year. As in the previous year, the Commission coordinated the efforts by members of the Governor's Inter-Agency Task Force on Civil Tension. These tension situations most frequently were associated with a Black family moving into a White neighborhood, and included a bomb threat, warnings of Ku Klux Klan activity, vandalism of property, incidents of ethnic intimidation, distribution of hate literature, and pressure against real estate personnel involved in the sale or rental of such properties. The Commission and other members of the Task Force worked with the Pennsylvania Chiefs of Police Association to prepare an article for its magazine on the new Ethnic Intimidation Law in Pennsylvania, and to assist in the drafting of a pamphlet on the new law.

## ADVISORY COUNCILS

Members of Advisory Councils in six communities carried on activities to educate groups and individuals concerning the Pennsylvania Human Relations Act and the work of the Commission.

Among the activities of these Advisory Councils were the following:

**Blair County** — The Council co-sponsored and participated in a mini-conference on civil

rights held March 15, 1983, in Altoona, and worked with news media of the area to secure more coverage of the group's mission and activities.

**Centre County** — Members conducted an affirmative action study among local businesses, held an educational forum on problems of the handicapped, and co-sponsored and participated in a mini-conference on civil rights held June 2, 1983, in State College.

**Eastern Montgomery County** — The Council secured from Montgomery County Commissioners a Declaration of Human Rights Day June 2nd, when it honored local citizens at a human rights award luncheon in North Wales, helped to publicize the new Ethnic Intimidation Act and supported the efforts of public officials in the successful prosecu-

tion of persons responsible for a racially motivated firebombing in Roslyn.

**Johnstown** — The Council co-sponsored and participated in a mini-conference on civil rights held November 23, 1982, in Johnstown, and assisted in the sponsorship of a Joint Enrichment School in the community.

**McKeesport** — Efforts were begun to recruit new members and reorganize the Council.

**York County** — Members of the Advisory Council co-sponsored and participated in a mini-conference on civil rights held April 21, 1983, in York, and encouraged the York Police Department to provide its members with sensitivity training, especially in the area of relations with the Hispanic community.

Members of the Commission's Advisory Councils were as follows:

---

## ADVISORY COUNCIL MEMBERS

July 1, 1982 - June 30, 1983

---

### BLAIR COUNTY ADVISORY COUNCIL

**Chairperson: Mr. William Washington**

\*Rev. George W. Bailey  
Mrs. Virginia Day  
Mr. John F. Fueller  
Mr. Richard T. Hatch  
Dr. Charles M. Hill  
Dr. Malcolm D. Hill  
Mr. John E. Riley, Sr.

Mrs. JoeFlla Howard  
Mr. Louis E. Leopold  
Mr. Ronald V. Miller  
Mr. Sam Miller  
Mr. Calvin T. McCray, Sr.  
Ms. Denise M. Pattillo

Mr. Jack Rawlings  
Ms. Joyce C. Russell  
William J. Stokan, Esq.  
Dr. Sally A. Sutter  
Mrs. Frances L. Walter  
Mrs. Linda J. Wilt

### CENTRE COUNTY ADVISORY COUNCIL

**Chairperson: Mr. William Asbury**

Mr. John Black  
Mr. Elmore M. Browne  
Mr. Winston Douglas  
Virginia Eisenstein, Esq.  
Mrs. Elinore H. Elliott  
Mr. James M. Elliott  
Mr. Carl B. Fairbanks  
Ms. Rita Foderaro

Miss Gretchen A. Hyle  
Ms. Jill Jacoby  
Ms. Joan Lee  
Mr. Edward Meigs, Jr.  
Mr. Gerald Moser  
Ms. Joan Nessler  
Dr. Monroe Newman  
Ms. Michele Nicholas

Mrs. Thelma T. Price  
Dr. Linda K. Rambler  
Mr. David C. Rice  
Dr. Lynn Rubin  
Ms. Vicki L. Smith  
Dr. David L. Westby  
Mr. Clifford H. Yorks

### EASTERN MONTGOMERY COUNTY ADVISORY COUNCIL

**Chairperson: Barton A. Hertzbach, Esq.**

Dr. Gerald L. Belcher  
Ms. Margaret Bing  
Ms. Annie R. Brown  
Mr. DeKarlo E. Brooks  
Mr. Edward A. Brown  
Ms. Joan Chintz  
Ms. Mattie N. Dixon  
Mrs. Dorothy Freedman

Mr. Thomas G. Garrett  
Rev. Dennis E. Joell, Sr.  
Ms. Inez V. Lowenstein  
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Ms. Joan N. Morris  
Ms. Barbara Jo Mortenson  
Ms. Addie S. Newman  
Jack W. Robbins, Esq.

Mr. Edward F. Saunders  
Mr. David R. Shenton  
Ms. Mary F. Shropshire  
Mr. Burton Siegel  
Rabbi Harold B. Waintrup  
Ms. Evelyn F. Warner  
Mrs. Joanne M. Weaver

*\*Immediate Past Chairperson*



## **JOHNSTOWN ADVISORY COUNCIL**

**Chairperson: William L. Glosser, Esq.**

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Ms. Antoinette Berry  
Mr. Harold R. Berkebile  
Mr. Steven D. Brooks  
Ms. Sharon L. Calloway  
Mr. B. T. duPont  
Mr. Charles E. Gethers  
Mrs. Faye G. M. Griffin

Mr. Saul Griffin  
Mr. Charles Gumby  
Mr. Bruce G. Haselrig  
Ms. Hope B. Johnson  
Mr. Frank Kist  
Ms. Dorothy G. Lewis  
Nicholas J. Mikesic, Esq.  
Sgt. John Pudliner

Mr. James E. Porcher  
Mr. Thomas Slater  
Mr. Thomas A. Smith  
Rabbi Rav A. Soloff  
Mr. Robert F. Sutt  
Mr. William H. Weimann, Jr.  
Mr. James White  
Dr. Donato Zucco

## **McKEESPORT ADVISORY COUNCIL**

**Chairperson: Mr. Harry Carter**

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Ms. Carol Bernick  
Rev. Henry J. Carter, Jr.  
Mr. M. Richard Despotakis  
Mrs. Lois Dowd

Ms. Kathleen Burns Easler  
Mr. Albert G. Johnson  
Mr. Ronald M. Johnston  
Ms. Ethelda King  
Mrs. Jean Larue Lebowitz

Ms. Adell M. Long  
Mrs. Shirley R. Mockabee  
Mr. Gary Pastore  
Mrs. Ossie Paylor  
Mr. Vincent Tucker

## **YORK COUNTY ADVISORY COUNCIL**

**Chairperson: Mr. Wilfred Ortiz**

Ms. Shiela F. Banks  
Mr. Jose R. Comas  
Rev. Joseph C. Hilbert  
Mrs. Loma J. James  
Mr. Paul G. Leiphart, Jr.  
Mrs. Eleanor H. McGinnis

Mr. Daniel Minerva  
Mr. Leo Moreno  
Ms. Genora Orr  
Mr. Orlie A. Phillips  
Rev. Bernard Pistone  
Mrs. Nayda W. Pophal

Mrs. Rayda S. Rivera  
Mrs. Ruth Rodriguez  
Mrs. Cliriece B. Schell  
Mrs. Patricia L. Schultz  
Ms. Carolyn Sexton  
Mr. William B. Shaffer, Jr.

# MANAGEMENT

Staff activities were directed by the Commission's Executive Director, Homer C. Floyd. Assisting Mr. Floyd in the headquarters executive office were Louise Oncley, Special Assistant to the Executive Director; Iris Cooley, Personnel Director; Peter J. O'Neill, Administrative Services Director; and Frank D. Davis, Director of Publicity and Information. Following the close of the report year, Elisabeth S. Shuster, Esq., was appointed General Counsel. Director of program units were Kaaba Brunson, Director of Compliance; Harold Nelson, Director of Contract Compliance; Henry Hain, Director of Housing; and Richard B. Anliot, Director of Education and Acting Director of Community Services.

Residents of Pennsylvania received service from the Commission's three regional offices in Pittsburgh, Harrisburg, and Philadelphia.

The regional office in Pittsburgh served residents of 23 counties in Western Pennsylvania and was managed by George A. Simmons.

Residents of 39 counties in Central Pennsylvania were served by the regional office in Harrisburg, which was managed by Howard L. Tucker, Jr.

The regional office located in Philadelphia served residents of 5 counties in Southeastern Pennsylvania and was managed by Sandra Holman Bacote.

# LEGISLATION

The major legislative recommendations of the Commission concern the strengthening of the fair housing provisions of the Pennsylvania Human Relations Act. As noted in the Housing Section of this report, the Governor's Housing Task Force has incorporated the Commission's legislative recommendations on housing into its own report.

The Commission recommends that the housing provisions of the Act be changed to provide for the following:

- (1) Strengthen protection against practices involving panic selling and racial steering. Panic selling is caused by unscrupulous real estate salespeople who use scare tactics to frighten White homeowners into agreeing to sell their homes. Racial steering is the term used to describe the practices of some real estate firms which encourage homeseekers who are White to buy homes in White neighborhoods, and to maneuver Blacks into all-Black or already-integrated neighborhoods.
- (2) Authorize the awarding of compensatory damages to victims of discrimination in housing who can establish financial losses as the result of their unlawful treatment.
- (3) Specify that protection against housing discrimination applies to housing owned or occupied by an individual for his or her own use. Currently the law applies only to housing that is being offered for rent or sale and does not protect a current owner against discrimination by political subdivisions in such matters as the issuance of permits.

Additional Commission legislative recommendations, with a brief explanation of each, are as follows:

**Use of Public Funds** — The law should be amended to prohibit any form of discrimination in the programs of entities that receive funds from the federal and/or state government, and to authorize the Commission to provide technical assistance to recipients of such funds to assure compliance with the law.

**Retaliation** — The act should be amended to include specific language to prohibit retaliation against persons who have filed complaints or served as witnesses in housing or public accommodations cases — similar to such protection currently in the law for persons involved in employment complaints.

**Time Limit** — The time period for filing complaints — currently 90 days — should be extended to 180 days to make the Act consistent with Title VII of the U.S. Civil Rights Act of 1964, and to give more protection to victims of discrimination.

**Commission Per Diem** — The present \$30 per diem compensation to Commissioners engaged in Commission business — a rate established in 1961 — should be increased to \$100 per day, commensurate with the amounts paid to Commissioners in other similarly constituted agencies.

**Procedure** — The Act should be clarified to specify that a majority of Commissioners in office shall constitute a quorum, and state that a majority vote shall be sufficient to convene an investigatory hearing to prevent racial tension.



# THE COMMISSIONERS

The dedication and hard work of the eleven women and men who establish policy and oversee the work of the Pennsylvania Human Relations Commission is reflected in a formidable body of statistics produced by their activities.

These statistics include the following:

Final orders approved	
after public hearings . . . . .	12
Consent orders and decrees,	
conciliation agreements, and	
other final orders approved . . . . .	51
Commission Meetings . . . . .	12
Compliance Sessions . . . . .	12
Training Institute Sessions . . . . .	1
Public hearings conducted . . . . .	12
Number of days of public	
hearings . . . . .	18
Pre-hearing conferences held . . . . .	20
Review of staff action in making	
disposition of complaints . . . . .	3,207
Review and determination of petitions	
for reconsideration of complaint	
dispositions . . . . .	263

A statement commemorating the birthdate of the late Dr. Martin Luther King, Jr. was issued by Chairperson Yaffe for the Commission in January, 1983. The statement included a reaffirmation of the Commission position that Congress should pass a law establishing January 15th as a national holiday in honor of the slain civil rights leader, which ultimately occurred.

A new Commissioner who joined the Commission in mid-year is Carl E. Denson of Pittsburgh. He succeeded Mary Dennis Donovan, C.S.J., resigned.

Officers of the Commission were Joseph X. Yaffe, Esq., Chairperson; Doris M. Leader, Vice Chairperson; Elizabeth M. Scott, Secretary, and John P. Wisniewski, Assistant Secretary. Other Commissioners completing another year of service on the Commission were Rita Clark, Alvin E. Echols, Jr., Esq., Benjamin S. Loewenstein, Esq., Thomas L. McGill, Jr., Esq., Dr. Robert Johnson Smith, and Dr. Raquel Otero de Yiengst.

# PENNSYLVANIA HUMAN RELATIONS COMMISSION

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# **PENNSYLVANIA HUMAN RELATIONS COMMISSION**

## **Officers**

Chairperson — Joseph X. Yaffe, Esq., Wyncote  
Vice Chairperson — Doris M. Leader, York  
Secretary — Elizabeth M. Scott, Pittsburgh  
Assistant Secretary — John P. Wisniewski, Pittsburgh



## **Commissioners**

Rita Clark, Johnstown  
Carl E. Denson, Pittsburgh  
Alvin E. Echols, Esq., Philadelphia  
Benjamin S. Loewenstein, Esq., Philadelphia  
Thomas L. McGill, Jr., Esq., Philadelphia  
Dr. Robert Johnson Smith, Elkins Park  
Dr. Raquel Otero de Yiengst, Sinking Spring



## **Executive Office**

Executive Director — Homer C. Floyd

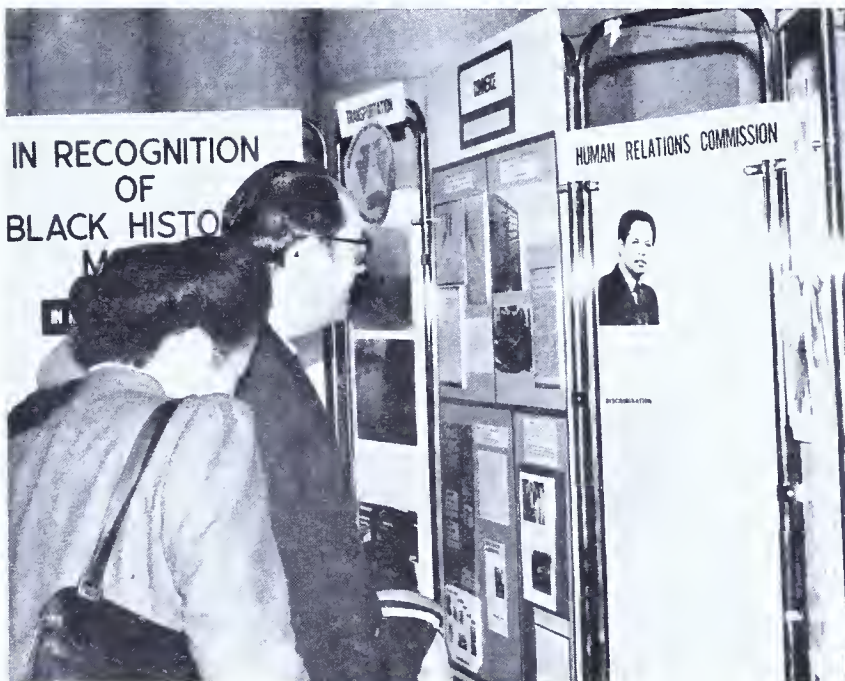
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*Governor Dick Thornburgh and Secretary of Community Affairs Shirley Dennis look at a review of Commission activities in a Black History Month exhibit in February at the Capitol Rotunda.*



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HUMAN RELATIONS COMMISSION

The Honorable Dick Thornburgh  
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly  
Commonwealth of Pennsylvania

Dear Governor Thornburgh and  
Members of the General Assembly:

As we approach the 30th anniversary of the adoption of the Pennsylvania Human Relations Act on October 27, 1955, let us look to the record to evaluate the effectiveness of the implementation and the enforcement of the Act.

A look at the statistics set forth in this Annual Report for Fiscal Year 1983-84 will demonstrate that the Commission had made effective progress in eliminating discriminatory barriers and in promoting equal opportunities for all Pennsylvanians, without regard to race, color, religion, ancestry, handicap or disability, age, sex or national origin.

Your continued support of the Commission in its ongoing efforts to carry out the mandates of the Legislature and the Act are earnestly solicited and appreciated.

Joseph X. Yaffe  
Chairperson

Chairperson  
JOSEPH X. YAFFE, ESQ.

Vice-Chairperson  
DORIS M. LEADER

Secretary  
ELIZABETH M. SCOTT

Assistant Secretary  
JOHN P. WISNIEWSKI

Executive Director  
HOMER C. FLOYD

RITA CLARK  
CARL E. DENSON  
ALVIN E. ECHOLS, JR., ESQ.  
BENJAMIN S. LOEWENSTEIN, ESQ.

Commissioners

THOMAS L. MCGILL, JR., ESQ.  
DR. ROBERT JOHNSON SMITH  
DR. RAQUEL OTERO DE YIENGST



# Highlights

A dramatic 29 percent increase in the number of new complaints filed with the Pennsylvania Human Relations Commission highlighted this year's activities.

The 3,978 new cases docketed by the Commission's three regional offices far surpassed the previous year's record number of 3,073 complaints. Including complaints pending from the previous year, the Commission handled a total caseload of 6,298 for the year. In addition, staff handled 16,915 informal complaints — a service which in many instances made it unnecessary for individuals to pursue formal complaints.

The largest percentage increases in new cases over the previous year were those based on handicap or disability (57 percent), race or color (41 percent) and sex (35 percent). The largest numerical increase was in the category of race or color, where 343 more cases were docketed than in the previous year.

Despite a smaller work force to handle this greatly increased caseload, the Commission was able to complete the investigation and adjustment of 3,204 cases — almost as many as were closed in the previous record year (3,270). Discrimination was found and adjusted in 44 percent of the cases closed during the past year, compared to an adjustment rate of 38 percent on a cumulative basis since 1956.

Individuals and leaders of community groups were taught how to file quality complaints at civil rights enforcement conferences held on a regional basis in four areas of the state.

Cooperative efforts to halt intergroup conflicts were discussed by Commissioners at a meeting with Edward Dennis, the U.S. Attorney for Eastern Pennsylvania, and the Commission

worked with other members of the Interagency Task Force on Civil Tension to publicize the new Ethnic Intimidation Act.

Commissioners and staff met with community leaders and officials in Abington Township to review progress made in carrying out the Commission's recommendations stemming from its investigatory hearing into racial tension in that area of Montgomery County.

The Commission approved a memorandum of understanding permitting the Philadelphia School District a three-year opportunity to implement a plan for voluntary desegregation and educational improvement. In May the Commission noted that graduation time 1984 marked the first time in 14 years that no school districts were in court with the Commission on the issue of school desegregation.

An agreement between the Commission and the Hanover-Adams County Board of Realtors provides greater assurance of equality of opportunity in the housing market in that area of South Central Pennsylvania.



*Concentration was obvious on the faces of those who attended a civil rights enforcement conference sponsored by the Commission's Harrisburg Regional Office and the Harrisburg Human Relations Commission. Documentation required for a quality complaint was one of the topics covered during the day-long seminar.*

# Law Enforcement

Citizens in record numbers filed complaints with the Commission during the past year, with the number of docketed formal complaints increasing by 29 percent, from 3,073 to 3,978.

This dramatic rise in the Commission's overall caseload paralleled growth in the area of employment complaints, which increased more than 28 percent, from 2,770 the previous year to 3,560. The categories of job discrimination cases that increased the most were race or color, sex, and handicap or disability.

The number of cases in which investigation, adjustment or other action was completed and the complaint was closed was 3,204. In 44 percent of these cases an unlawful practice was found and adjusted, or adjusted without a formal finding.

These adjustments brought more than \$3.4 million in benefits to persons victimized by discrimination. Job offers were secured for 138 persons, training opportunities for 6 men and women, and promotions for 24 others. The opportunity to buy or rent housing was obtained for 28 persons as a result of adjustments in housing cases.

The Commission demonstrated a strong enforcement stance in approving 132 cases for public hearing when conciliation efforts failed. Following such action, 92 cases were adjusted and 16 were withdrawn. Pre-hearing conferences were held in 22 cases, and 13 cases went to public hearing. The adjustment of such

cases resulted in considerable savings in time and effort on the part of everyone involved.

Commission staff continued to monitor a number of agreements which settled complaints in previous years, including a meeting in May with Volkswagen officials to review the status of Black workers at the plant in Westmoreland County, where employment had dropped from 5,000 to 2,100. A new committee composed of labor and management representatives was established to deal with remaining human relations concerns.

Contract compliance activities were carried out by the Commission until those responsibilities were reassigned by the Governor to the Bureau of Affirmative Action in the Office of Administration in February. Up to that point in time, the Commission's contract compliance division coordinated the efforts of contract compliance officers in departments and agencies under the Governor's jurisdiction. Some 2,300 contracts with a total value of \$1.2 billion were reviewed to insure non-discriminatory practices. In addition, the division provided technical assistance which helped 15 minority firms and three women-owned companies to secure state contracts with a total value of approximately \$1 million. Staff members in the contract compliance division were reassigned to other duties after the issuance of the Governor's Executive Order.

Statistics summarizing results of the Commission's compliance activities are set forth in the following section of this report.



# Compliance Statistics

## GEOGRAPHICAL DISTRIBUTION OF CASES BY REGION

1956 — June 30, 1984

Area of Jurisdiction	Number of Complaints							
	Region I (a)		Region II (b)		Region III (c)		State Total	
	1983-1984	Cumulative	1983-1984	Cumulative	1983-1984	Cumulative	1983-1984	Cumulative
Employment . . . . .	1,159	10,039	1,402	10,211	999	9,178	3,560	29,428
Housing . . . . .	82	1,321	66	1,167	97	1,426	245	3,914
Public Accommodations .	56	850	42	646	56	588	154	2,084
Education . . . . .	9	92	5	85	5	133	19	310
<b>All Areas . . . . .</b>	<b>1,306</b>	<b>12,302</b>	<b>1,515</b>	<b>12,121</b>	<b>1,157</b>	<b>11,313</b>	<b>3,978</b>	<b>35,736</b>

- (a) Region I includes 23 contiguous counties in the western part of the state, with its office located in Pittsburgh.
- (b) Region II includes 39 contiguous counties in the central and northeastern portion of the state, with its office located in Harrisburg.
- (c) Region III includes 5 contiguous counties located in southeastern Pennsylvania, with its office located in Philadelphia.

## BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION

July 1, 1983 — June 30, 1984

Basis	Employment	Housing	Public Accommodations	Education	Total
Race or Color . .	939 ( 26%)	156 ( 64%)	67 ( 44%)	7 ( 36%)	1,169 ( 29%)
Religion. . . . .	40 ( 1%)	19 ( 8%)	8 ( 5%)	1 ( 6%)	68 ( 2%)
National Origin.	43 ( 1%)	13 ( 5%)	5 ( 3%)	2 ( 11%)	63 ( 2%)
Age . . . . .	493 ( 14%)	0 ( — )	1 ( — )	0 ( — )	494 ( 12%)
Abortion . . . . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
G.E.D. . . . .	2 ( — )	0 ( — )	0 ( — )	0 ( — )	2 ( — )
Sex. . . . .	847 ( 24%)	28 ( 12%)	23 ( 15%)	3 ( 16%)	901 ( 23%)
Handicap/ Disability. . . . .	408 ( 12%)	8 ( 3%)	28 ( 18%)	0 ( — )	444 ( 11%)
Illegal Ad or Application Form. . . . .	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
Guide Dog Use.	0 ( — )	0 ( — )	0 ( — )	0 ( — )	0 ( — )
*Multiple . . . . .	689 ( 19%)	21 ( 8%)	21 ( 14%)	6 ( 32%)	737 ( 18%)
Retaliation. . . .	98 ( 3%)	0 ( — )	1 ( — )	0 ( — )	99 ( 3%)
* *Miscellaneous .	1 ( — )	0 ( — )	0 ( — )	0 ( — )	1 ( — )
<b>TOTAL . . . . .</b>	<b>3,560 (100%)</b>	<b>245 (100%)</b>	<b>154 (100%)</b>	<b>19 (100%)</b>	<b>3,978 (100%)</b>

\* Cases in this category include all those in which the basis of the charge of discrimination is two or more of the following factors: race or color, religion, national origin, age, sex, or handicap/disability.

\* \*This case did not specify a cause of action.



## BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION

Cumulative 1956 — June 30, 1984

Basis	Employment	Housing	Public Accommodations	Education	Total
Race or Color . . .	10,952 ( 37%)	2,967 ( 76%)	1,395 ( 67%)	198 ( 66%)	15,512 ( 43%)
Religion . . . . .	641 ( 2%)	52 ( 1%)	40 ( 2%)	11 ( 3%)	744 ( 2%)
National Origin . .	910 ( 3%)	93 ( 2%)	47 ( 2%)	19 ( 6%)	1,069 ( 3%)
Age . . . . .	3,426 ( 12%)	0 ( — )	1 ( — )	0 ( — )	3,427 ( 10%)
Abortion . . . . .	2 ( — )	0 ( — )	1 ( — )	0 ( — )	3 ( — )
G.E.D. . . . .	3 ( — )	0 ( — )	0 ( — )	0 ( — )	3 ( — )
Sex . . . . .	6,605 ( 22%)	248 ( 7%)	346 ( 17%)	36 ( 11%)	7,235 ( 20%)
Handicap/ Disability . . . . .	2,270 ( 8%)	89 ( 2%)	130 ( 7%)	0 ( — )	2,489 ( 7%)
Illegal Ad or Application Form . . . . .	776 ( 3%)	221 ( 6%)	31 ( 1%)	13 ( 5%)	1,041 ( 3%)
Guide Dog Use . .	0 ( — )	4 ( — )	3 ( — )	0 ( — )	7 ( — )
*Multiple . . . . .	3,331 ( 11%)	238 ( 6%)	84 ( 4%)	33 ( 9%)	3,686 ( 10%)
Retaliation . . . . .	511 ( 2%)	2 ( — )	6 ( — )	0 ( — )	519 ( 2%)
**Miscellaneous . .	1 ( — )	0 ( — )	0 ( — )	0 ( — )	1 ( — )
<b>TOTAL . . . . .</b>	<b>29,428 (100%)</b>	<b>3,914 (100%)</b>	<b>2,084 (100%)</b>	<b>310 (100%)</b>	<b>35,736 (100%)</b>

\* Cases in this category include all those in which the basis of the charge of discrimination is two or more of the following factors: race or color, religion, national origin, age, sex, or handicap/disability.

\*\*This case did not specify a cause of action.

# DISTRIBUTION OF CASES BY COUNTY

1983 — 1984

County	NUMBER OF CASES				
	Employment	Housing	Public Accommodations	Education	Total
ADAMS	12	1	1	0	14
ALLEGHENY	775	53	32	5	865
ARMSTRONG	9	1	1	0	11
BEAVER	58	1	7	0	66
BEDFORD	7	0	0	0	7
BERKS	137	1	0	0	138
BLAIR	31	1	2	0	34
BRADFORD	6	0	0	0	6
BUCKS	82	9	3	1	95
BUTLER	25	2	3	0	30
CAMBRIA	37	3	2	0	42
CAMERON	2	0	0	0	2
CARBON	5	0	0	0	5
CENTRE	42	1	4	1	48
CHESTER	79	2	0	0	81
CLARION	6	0	0	0	6
CLEARFIELD	12	1	0	0	13
CLINTON	3	0	0	0	3
COLUMBIA	10	0	0	0	10
CRAWFORD	13	0	0	0	13
CUMBERLAND	114	8	5	0	127
DAUPHIN	373	20	15	2	410
DELAWARE	134	20	15	1	170

# DISTRIBUTION OF CASES BY COUNTY

(Continued)

County	NUMBER OF CASES				
	Employment	Housing	Public Accommodations	Education	Total
ELK	1	0	0	0	1
ERIE	57	4	1	1	63
FAYETTE	24	2	2	0	28
FOREST	1	0	0	0	1
FRANKLIN	19	1	0	0	20
FULTON	0	0	0	0	0
GREENE	6	0	0	0	6
HUNTINGDON	8	1	0	0	9
INDIANA	17	3	0	0	20
JEFFERSON	5	0	0	0	5
JUNIATA	1	0	0	0	1
LACKAWANNA	39	0	0	1	40
LANCASTER	94	7	0	0	101
LAWRENCE	19	1	1	0	21
LEBANON	21	1	0	0	22
LEHIGH	47	1	1	0	49
LUZERNE	29	6	3	0	38
LYCOMING	88	4	0	0	92
McKEAN	5	0	0	0	5
MERCER	14	0	0	0	14
MIFFLIN	8	0	4	0	12
MONROE	14	2	1	0	17
MONTGOMERY	288	32	6	1	327

# DISTRIBUTION OF CASES BY COUNTY

(Continued)

County	NUMBER OF CASES				
	Employment	Housing	Public Accommodations	Education	Total
MONTOUR	4	0	0	0	4
NORTHAMPTON	31	0	0	0	31
NORTHUMBERLAND	21	0	0	0	21
PERRY	3	0	0	0	3
PHILADELPHIA	422	35	32	3	492
PIKE	1	0	0	0	1
POTTER	1	0	0	0	1
SCHUYLKILL	25	2	0	0	27
SNYDER	9	0	1	0	10
SOMERSET	5	0	0	0	5
SULLIVAN	0	0	0	0	0
SUSQUEHANNA	3	0	0	0	3
TIOGA	3	0	1	0	4
UNION	2	0	0	0	2
VENANGO	9	0	0	0	9
WARREN	7	0	0	0	7
WASHINGTON	39	1	8	1	49
WAYNE	4	0	0	0	4
WESTMORELAND	67	14	2	0	83
WYOMING	3	2	0	0	5
YORK	124	2	1	2	129
ALL COUNTIES	3,560	245	154	19	3,978



## CLASSIFICATION OF RESPONDENTS

Respondent	1983-1984	Cumulative 1956 — June 30, 1984	
	Number	Number	Per Cent
<b>EMPLOYMENT</b> . . . . .	<b>3,560</b>	<b>29,428</b>	<b>100</b>
Employer . . . . .	3,476	28,137	96
Employment Agency . . . . .	0	254	1
Union . . . . .	52	713	2
Newspaper . . . . .	17	293	1
Abettor . . . . .	15	31	—
<b>HOUSING</b> . . . . .	<b>245</b>	<b>3,914</b>	<b>100</b>
Owner . . . . .	139	2,346	60
Real Estate Agent . . . . .	72	1,188	30
Builder . . . . .	5	98	3
Mortgagor . . . . .	6	79	2
Abettor . . . . .	0	8	—
Newspaper . . . . .	1	54	1
Miscellaneous . . . . .	22	141	4
<b>PUBLIC ACCOMMODATIONS</b> . . . . .	<b>154</b>	<b>2,084</b>	<b>100</b>
Hotels and Motels . . . . .	1	99	5
Eating and Drinking Places . . . . .	12	369	18
Retail Stores . . . . .	18	41	7
Recreation and Amusement Places . . . . .	5	245	11
Personal Services (Barber, beauty, health, etc.) . . . . .	2	204	10
Resorts (hotels, lodges, etc.) . . . . .	0	38	2
Abettor . . . . .	0	4	—
Miscellaneous (Newspapers, schools, other) . . . . .	116	984	47
<b>EDUCATION</b> . . . . .	<b>19</b>	<b>310</b>	<b>100</b>
College and University, Private . . . . .	4	23	7
College and University, Public . . . . .	4	109	35
Vocational, Business . . . . .	0	17	6
Vocational, Technical and Trade . . . . .	9	60	19
Public School, Secondary . . . . .	0	64	21
Public School, Elementary . . . . .	0	22	7
Private School, Secondary . . . . .	0	6	2
Other . . . . .	2	9	3

## DISPOSITION OF CASES CLOSED BY THE COMMISSION

July 1, 1983 — June 30, 1984

Basis	Employment	Housing	Public Accommodations	Education	Total
Unlawful Practice Found and Adjusted . .	1,250 ( 44%)	104 ( 47%)	43 ( 38%)	7 ( 44%)	1,404 ( 44%)
Specific Charge not Established	1,197 ( 42%)	84 ( 38%)	39 ( 35%)	7 ( 44%)	1,327 ( 42%)
Lack of Jurisdiction . . .	130 ( 5%)	8 ( 4%)	8 ( 7%)	1 ( 6%)	147 ( 4%)
Case Withdrawn or Complainant Failed to Proceed . . . . .	278 ( 9%)	24 ( 11%)	23 ( 20%)	1 ( 6%)	326 ( 10%)
<b>TOTAL . . . . .</b>	<b>2,855 (100%)</b>	<b>220 (100%)</b>	<b>113 (100%)</b>	<b>16 (100%)</b>	<b>3,204 (100%)</b>

## DISPOSITION OF CASES CLOSED BY THE COMMISSION

Cumulative 1956 — June 30, 1984

Basis	Employment	Housing	Public Accommodations	Education	Total
Unlawful Practice Found and Adjusted . . .	9,673 ( 36%)	1,750 ( 47%)	1,049 ( 55%)	92 ( 31%)	12,564 ( 38%)
Specific Charge not Established . .	11,464 ( 43%)	1,274 ( 35%)	451 ( 24%)	134 ( 46%)	13,323 ( 41%)
Lack of Jurisdiction . . . .	1,413 ( 5%)	156 ( 4%)	130 ( 7%)	12 ( 4%)	1,711 ( 5%)
Case Withdrawn or Complainant Failed to Proceed	4,310 ( 16%)	509 ( 14%)	266 ( 14%)	55 ( 19%)	5,140 ( 16%)
<b>TOTAL . . . . .</b>	<b>26,860 (100%)</b>	<b>3,689 (100%)</b>	<b>1,896 (100%)</b>	<b>293 (100%)</b>	<b>32,738 (100%)</b>

# Legal Activities

The staff of the Legal Division, in providing the legal framework and support for the Commission's compliance activities, plays a major part in maintaining the role of the Commission as a strong and effective law enforcement agency.

As a result of the work of the Legal Division in a pattern and practice case involving the Crown Cork and Seal Company, Commonwealth Court both upheld the Commission's order on appeal of the case, and acknowledged the expertise of the Commission to frame appropriate relief when it finds a violation of the laws it administers. The case has been appealed to the Supreme Court.

Commonwealth Court also upheld an order of the Commission in *Portlock vs. Harrisburg School District*, ruling that the Commission had produced substantial evidence to support its major findings. The court also upheld the well established power of the Commission to find unlawful discrimination on the basis of circumstantial evidence when it stated that "discrimination is seldom explicit, but must be discerned from many circumstances." Subsequent to the close of the report year, the Commission and the School District reached agreement on all outstanding issues.

Commonwealth Court also upheld final orders of the Commission in three additional cases, two of which were further appealed by respondents to the Pennsylvania Supreme Court.

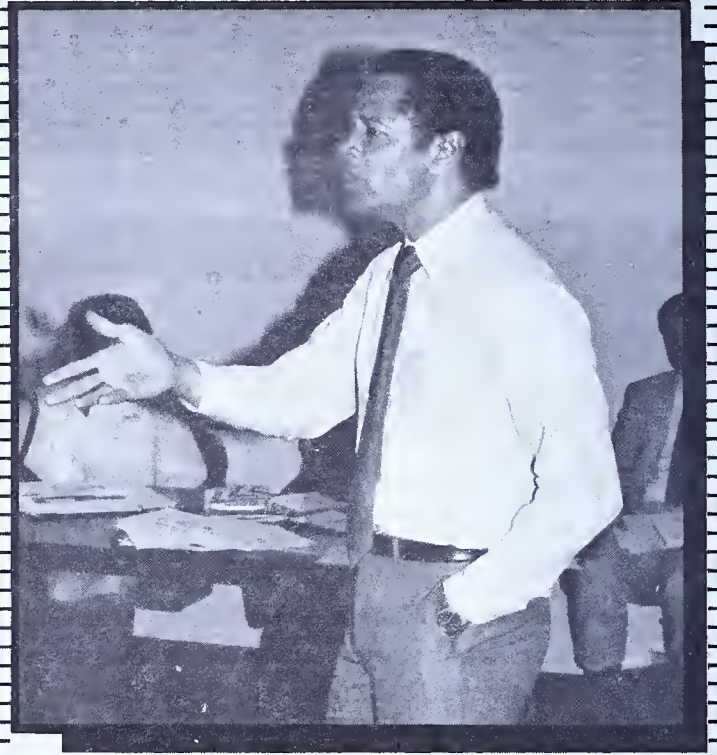
Legal staff of the Commission was involved in a total of 40 legal proceedings in court during the report year. The record of cases appealed, decided and pending in courts at the close of the report year is as follows:

Courts	Pending 6/30/83	Appeals Filed	Decisions	Pending 6/30/84
Commonwealth .	13	13	14	12
Pa. Supreme. . .	1	4	1	4
Federal District .	1	3	1	3
Federal Appeals .	2	1	1	2
Common Pleas .	2	0	2	0

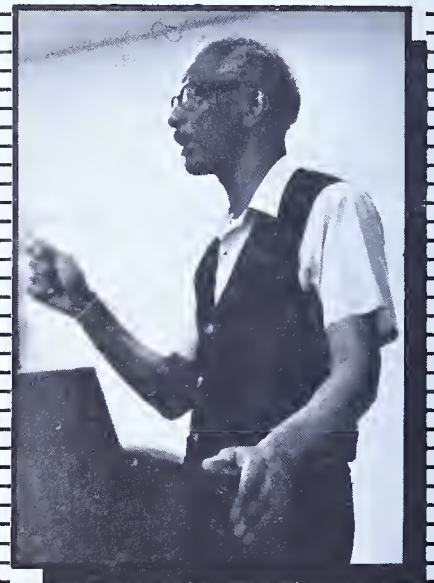
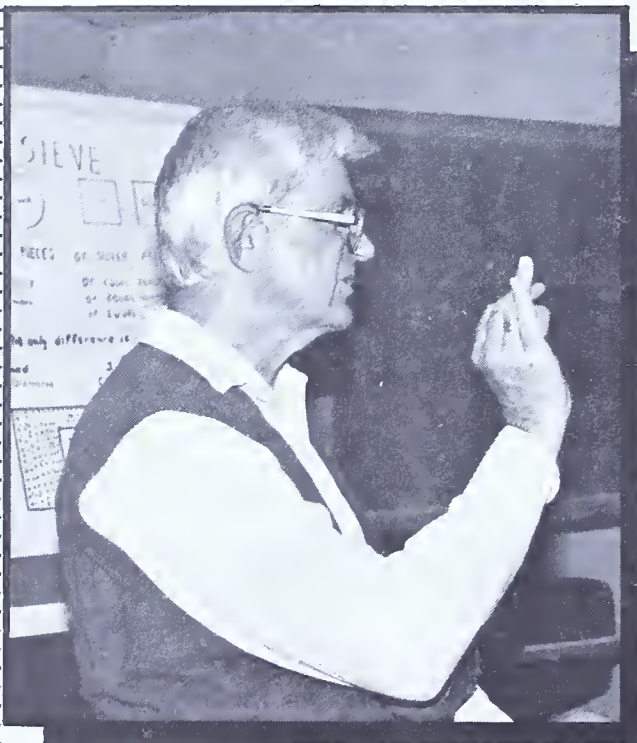
Legal staff carried out a great deal of work in connection with arrangements for holding preliminary hearings in certain cases dismissed by the Commission. Material setting forth various options for establishing the format for such hearings was presented by the Legal Division at a Commissioner's Training Institute, with staff members role-playing several different types of proceedings.

The Legal Division also prepared and secured approval for regulations implementing the amendment to the Human Relations Act which authorizes the Commission, at its discretion, to appoint a Hearing Examiner rather than to use a panel of three Commissioners to conduct a public hearing in a case.





*New staff members of the Commission, some of whom are shown at left, received training in May from (clockwise from top left) Peggy Raynock, Acting Director of Compliance; Homer Floyd, Executive Director; Samuel Edwards, Assistant to the Director of Compliance; Donald Mackowski, Assistant to the Director of Compliance, and Neil Sullivan, Assistant to the Director of Compliance.*





# Technical Assistance

Compliance with the laws administered by the Commission is fostered through a variety of activities classified as technical assistance. Major programs and projects to help people and organizations comply with the state's human rights laws were carried out in the areas of housing, education, and community services.

## HOUSING

Staff of the Housing Division completed an extensive testing program initiated the previous year. A total of 435 housing tests were conducted in 13 counties of the state. Discriminatory practices were revealed in 26 percent of the tests, with the minority or female tester receiving significantly less information than the other tester, less favorable terms for buying or renting housing, or other adverse treatment. In appropriate instances, the Commission initiated complaints and negotiated consent orders requiring changes in practices and affirmative action.

The Commission also settled several cases against apartment complexes and a township government accused of discriminating against the handicapped and disabled.

Staff conducted training workshops for members of local human relations commissions and fair housing groups, offering instruction in testing procedures and compliance techniques.

The statewide effort to enlist local Realtors in a program to reduce housing discrimination was augmented with the signing of an agreement between the Commission and the Hanover-Adams County Board of Realtors. Real estate brokers in that area of South Central Pennsylvania who are members of the Pennsylvania Association of Realtors thus joined real estate brokers in many other areas of the state in signing such agreements. Under these agreements, Realtors commit themselves to adopt standardized office procedures that will reduce the possibilities for discrimination, and agree to discipline any of their members who are found in violation of the housing provisions of the Human Relations Act.

Housing staff of the Commission also worked to enlist other segments of the housing industry in programs similar to those with Realtors.

The Commission also worked cooperatively with many local housing agencies and organizations on problems related directly or indirectly to discrimination. A chapter on fair housing laws in Pennsylvania was written by Assistant General Counsel Emily Leader for use in a training manual on landlord-tenant relations for publication by the Pennsylvania Bar Institute.

In a housing case with special statewide interest, the Commission issued a final order requiring an apartment complex in Montgomery County to implement a detailed affirmative action plan to insure fair treatment of Black applicants. The order against Mountain View Apartments of Conshohocken was issued after a public hearing in which the owners of the apartments were found guilty of racial discrimination. The order requires Mountain View to keep records and report to the Commission for three years concerning all applicants for housing, and to place Black applicants on an affirmative action waiting list from which apartment vacancies will be filled.

## EDUCATION

In May the Commission was able to make note of the fact that graduation time 1984 marked the first time in fourteen years that a school year was ending without one or more school districts in Pennsylvania being in court with the Commission on the issue of desegregation.

In a release to the news media, the Commission reported that it had approved desegregation plans for twenty-seven school districts, and that all but four of those school systems had completed the desegregation of pupils called for in their plans. Pennsylvania is unique among all states in accomplishing its school desegregation through enforcement of a state court, rather than through suits filed in federal courts as in most other states.

In October, 1983, the Commission approved a memorandum of understanding with the school board of Philadelphia. The agreement permits Philadelphia School District a three-year opportunity to implement its plans for voluntary desegregation and educational improvement, with the Commission to monitor progress in each of the two areas.

The Commission also monitored first-year results of Pittsburgh School District's desegregation plan, which was approved the previous year.

Commission staff — in company with staff of the Department of Education — made on-site visits to a number of school districts where desegregation was completed a number of years ago. Recommendations based upon findings of such visits were sent to school officials in Erie, Norristown area, and Wilkesburg. On-site visits were completed to the Aliquippa, Southeast Delco, William Penn, and York City School Districts. Among the factors analyzed during these visits was the representation of Blacks and Hispanics in such areas as employment of professional and support staff, special education placement, dropouts, transfers and failures, post-high school education and employment, academic achievement in reading and math, absenteeism, and discipline.

"School Equity Profiles" compiled by Commission staff from educational statistics gathered on such visits or from data collected annually by the Department of Education have been furnished to school officials and community leaders in a number of cities. These profiles provide the basis for communication and community input in the solution of local school problems.

Arrangements for an important study of prejudice were made by the Commission with Pennsylvania State University, which will analyze the information on Educational Quality Assessment collected from all school districts in the state by the Department of Education from 1978 to 1984. The study will delineate the attitudes of public school pupils towards those of differing races, religions, ancestry, and handicaps.

Technical assistance was given to the school districts of Cheltenham Township, Erie, Greater

Johnstown, and York in connection with affirmative action to recruit minority persons for professional staff.

In the area of school curriculum, the Commission worked through the Interagency Task Force on Civil Tension to urge the Department of Education to develop a curriculum unit on the modern Ku Klux Klan and other extremist hate groups.

The Commission expressed concern to the Department of Education with respect to a change in new curriculum regulations that would drop the requirement that pupils whose dominant language is not English be provided with either a bilingual/bicultural program or English-as-a-Second Language program.

Staff of the Commission also made an analysis of recent educational statistics and completed a study entitled "Dropouts, Transfers and Failures from the Class of 1983," which detailed the experience of Black, White, and Hispanic students in school districts of the state.

The Commission also made several studies of staff and students at the State's university system and provided the results to the Chancellor of the Commonwealth's State System of Higher Education, to the Secretary of Education, and to the Commissioner of Higher Education. One study reported on the comparative employment of Blacks and Hispanics in Pennsylvania's fourteen state-owned colleges and universities, 1976-1982. The other study analyzed the enrollment in State-supported institutions of higher education by Blacks, Hispanics, and females, Fall 1982 vs. Fall 1974.

Information was shared with the Office for Civil Rights of the U.S. Department of Education, which the Commission joined the previous year in the nation's first federal-state agreement for exchanging such material as a means of maximizing cooperation and avoiding duplication of effort. Similarly, such information also is shared with the Division of School Equity in the Pennsylvania Department of Education.

## COMMUNITY SERVICE

Conferences on civil rights enforcement were held by the Commission during the past year in



four communities, giving civic leaders and residents of seven counties an opportunity to share current information on intergroup relations in their areas, and to be instructed in how to file quality complaints with the Commission. Sessions were held in Harrisburg for residents of Cumberland, Dauphin, and Perry Counties; in Media for Delaware County; in Allentown for residents of the Allentown-Bethlehem-Easton area (Lehigh and Northampton Counties); and in Warrington for people in Bucks County.

In addition, each local human rights and human relations organization in Pennsylvania was contacted by the Commission to check on the status of its activities and to reaffirm the Commission's offer of technical assistance in whatever areas such help might be needed in a particular community.

The Commission again provided staff assistance to coordinate the activities of the Interagency Task Force on Civil Tension, which investigated and monitored community tension situations involving racial, religious, or nationality conflict, and assisted local police and community agencies in dealing with such problems. A standardized system for reporting tension situations among Task Force members was implemented, and discussions were held with the Philadelphia Commission on Human Relations regarding procedures for coordination and cooperation on intergroup tension incidents within the city.

The Task Force helped to publicize the new Ethnic Intimidation Act, which makes certain crimes more serious if motivated by hatred of another's race, color, religion or nationality. A pamphlet on the new law was published by the Office of Attorney General, with a Spanish-language edition being prepared by the Governor's Council on the Hispanic Community.

During the year the Commission docketed 26 tension situations serious enough to require the assignment of staff to investigate and take action to alleviate the tension. Nine of these incidents involved Black families moving into neighborhoods where there had been little or no

integration. However, victims in tension incidents also included Jews, Hispanics and other Whites. Two situations involved Ku Klux Klan activity and another a cross-burning.

## ADVISORY COUNCILS

Part of the task of educating the public concerning the Human Relations Act and the work of the Commission was carried out by advisory councils established by the Commission in six areas of the state.

Members of the Blair County Advisory Council were active in efforts to encourage local residents to make human relations contributions to the community, and to honor such persons at an annual recognition dinner.

Centre County Advisory Council members served as a forum to hear and refer complaints of possible violations of the Act to the Commission, and provided information on recruitment sources to local employers undertaking affirmative action programs.

The Eastern Montgomery County Advisory Council initiated a youth award program in nine high schools in the area, honored adults for outstanding contributions to human rights at an annual awards luncheon, and endorsed and participated in a teen summer program designed to connect youth and employers in the Cheltenham area.

Johnstown Advisory Council cooperated with the Greater Johnstown ministerium in a scholarship awards program, and assisted employers seeking guidance in the implementation of affirmative action efforts.

York County Advisory Council is an official co-sponsor of the York County Human Rights Audit — an update of an earlier community evaluation of the extent to which equal opportunity exists in the Greater York area, and members actively participated in plans to collect and analyze data.

A listing of members of the Commission's Advisory Councils follows:



# ADVISORY COUNCIL MEMBERS

July 1, 1983 — June 30, 1984

## BLAIR COUNTY ADVISORY COUNCIL

**Chairperson: Mr. Ronald V. Miller**

Rev. George W. Bailey  
Ms. Betty J. Burkett  
Mrs. Virginia Day  
Mr. Robert S. Eger  
Ms. Joan Elensky  
Mr. John F. Fueller  
Ms. Donna D. Gority  
Mr. Gerald J. Gutshall

Mr. Richard T. Hatch  
Dr. Malcolm D. Hill  
Mr. Louis E. Leopold  
Mr. Andrew E. Lynch  
Ms. Denise M. Pattillo  
Ms. Gloria J. Pierce  
Mr. Jack Rawlings  
Mr. John E. Riley, Sr.

Ms. Joyce C. Russell  
Mr. Thomas A. Russo  
Mr. Francis X. Simmons  
Dr. Sally A. Sutter  
Mrs. Frances L. Walter  
Mr. William A. Washington\*  
Mrs. Linda J. Wilt

## CENTRE COUNTY ADVISORY COUNCIL

**Chairperson: Mr. William Asbury**

Mr. John Black  
Rabbi Jeffrey Eisenstat  
Virginia Eisenstein, Esq.  
Mrs. Elinore H. Elliott  
Mr. James M. Elliott  
Ms. Rita Foderaro

Miss Gretchen A. Hyle  
Ms. Joan Lee  
Mr. Gerald Moser  
Dr. Monroe Newman  
Mrs. Thelma T. Price

Dr. Linda K. Rambler  
Mr. David C. Rice  
Dr. Lynn Rubin  
Dr. David L. Westby  
Mr. Clifford H. Yorks

## EASTERN MONTGOMERY COUNTY ADVISORY COUNCIL

**Chairperson: Barton A. Hertzbach, Esq.**

Dr. Gerald L. Belcher  
Mr. DeKarlo E. Brooks  
Dr. C. G. Brown  
Mr. Edward A. Brown  
Ms. Joan Chinitz  
Ms. Mattie N. Dixon  
Mrs. Dorothy Freedman

Mr. Thomas G. Garrett  
Rev. Dennis E. Joell, Sr.  
Ms. Inez V. Lowenstein  
Ms. Mary M. Martorella  
Ms. Joan N. Morris  
Ms. Barbara Jo Mortenson  
Ms. Addie S. Newman

Jack W. Robbins, Esq.  
Mr. Edwin E. Saunders  
Mr. David R. Shenton  
Mr. Burton Siegel  
Rabbi Harold B. Waintrup  
Ms. Evelyn E. Warner  
Mrs. Joanne M. Weaver

\* *Immediate Past Chairperson*

## JOHNSTOWN ADVISORY COUNCIL

**Chairperson: William L. Glosser, Esq.**

Mr. Art Ankeny	Mr. Charles Gumby	Mr. James E. Porcher
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## McKEESPORT ADVISORY COUNCIL

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## YORK COUNTY ADVISORY COUNCIL

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Rev. Joseph C. Hilbert	Ms. Genora Orr	Mrs. Cliriece B. Schell
Mrs. Loma J. James	Mr. Orlie A. Phillips	Mrs. Patricia L. Schultz

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# Management

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Along with the overall management of enforcement work, technical assistance, and administration of all other Commission activities, the executive office devoted a substantial amount of time and effort preparing materials for the agency's review under the State's Sunset Act. This material, covering all aspects of the Commission's operations, was requested by the Legislative Budget and Finance Committee. Members of the Committee's audit team reviewed the material before beginning a four-month onsite audit of the Commission. The Committee's report and recommendations will be reviewed by the Legislature in 1985. Under provisions of the Sunset Act, the Commission will be terminated on December 31, 1985, unless the Legislature passes a law to re-establish it.

Assisting Executive Director Homer C. Floyd in the headquarters office were Louise Oncley,

Special Assistant; Elisabeth S. Shuster, General Counsel; Iris Cooley, Personnel Director; Peter J. O'Neill, Administrative Officer, and Frank D. Davis, Director of Publicity and Information.

Managing program units were Kaaba Brunson, Director of Compliance; Harold Nelson, Director of Contract Compliance until the transfer of that function to another agency; Henry Hain, Director of Housing; and Richard B. Anliot, Director of Education and Acting Director of Community Services.

Directors of the Commission's three regional offices are George A. Simmons, serving residents of 23 counties in Western Pennsylvania from the office in Pittsburgh; Howard L. Tucker, Jr., serving residents of 39 counties in Central and Northeastern Pennsylvania from the office in Harrisburg; and Sandra H. Bacote, serving residents of 5 counties in Southeastern Pennsylvania from the office in Philadelphia.



# Legislation

Recommendations for strengthening the housing provisions of the Pennsylvania Human Relations Act remain a priority of the Commission. These recommendations also received backing from the Governor's Task Force on Housing.

It is the recommendation of the Commission that the housing provisions of the Act be amended in the following ways:

- (1) Strengthen protection against practices involving panic selling and racial steering. Panic selling is caused by unscrupulous real estate salespeople who use scare tactics to frighten White homeowners into agreeing to sell their homes. Racial steering is the term used to describe the practices of some real estate firms which encourage homeseekers who are White to buy homes in White neighborhoods, and to maneuver Blacks into all-Black or already-integrated neighborhoods.
- (2) Authorize the awarding of compensatory damages to victims of discrimination in housing who can establish financial losses as the result of their unlawful treatment.
- (3) Specify that protection against housing discrimination applies to housing owned or occupied by an individual for his or her own use. Currently the law applies only to housing that is being offered for rent or sale and does not protect a current owner against discrimination by political subdivisions in such matters as the issuance of permits.

Other Commission legislative recommendations, with a brief explanation of each, are as follows:

**Public Funds** — The law should be amended to prohibit any form of discrimination in the programs of organizations that receive federal funds through the state government, and to authorize the Commission to provide technical assistance to recipients of such funds to assure compliance with the law.

**Retaliation** — The act should be amended to include specific language to prohibit retaliation against persons who have filed complaints or served as witnesses in housing or public accommodations cases — comparable to such protection currently in the law for persons involved in employment complaints.

**Time Limit** — The time period for filing complaints — currently 90 days — should be extended to 180 days to make the Act consistent with Title VII of the U.S. Civil Rights Act of 1964, and to give more protection to victims of discrimination.

**Commissioner's Per Diem** — The present \$30 per diem compensation to Commissioners engaged in Commission business — a rate established in 1961 — should be increased to \$100 per day, commensurate with the amount paid to Commissioners in other similarly-constituted agencies.

**Procedure** — The Act should be clarified to specify that a majority of Commissioners in office shall constitute a quorum, and to state that a majority vote shall be sufficient to convene an investigatory hearing to prevent racial tension.

# The Commissioners

Commissioners issued policy statements or made recommendations in several cases of human rights concern.

Regarding national matters, the Commission urged the U.S. Commission on Civil Rights to rescind its actions by which it reversed long-standing positions on civil rights, including support of court-ordered affirmative action plans to remedy past discrimination. It expressed concern at the precipitous manner in which policies were reversed, without study or deliberation, and suggested that the agency follow a thoughtful and methodical procedure in adopting any new policies.

Commissioners also expressed a concern that speculation over the ruling of the U.S. Supreme Court in the Memphis police case might cause misunderstandings regarding the extent and limit of the ruling as it applies to affirmative action principles.

The Commission also issued a resolution on the first anniversary of the birthdate of Dr. Martin Luther King, Jr., following the passage of the law establishing a national holiday honoring Dr. King. The Commission suggested activities designed to keep alive the spirit of the slain civil rights leader.

Vice Chairperson Doris M. Leader, Commissioner Thomas L. McGill, Jr., the Executive Director and a number of other staff members participated in the program observing the 20th anniversary of the 1963 March on Washington led by Dr. King.

In March Commissioners adopted a statement setting forth the Commission's position regarding discrimination in compensation. The statement affirmed the Commission's jurisdiction to handle complaints of employment discrimination in which individuals allege compensation differentials based on sex, race, national origin, or any other basis which is prohibited by the Pennsylvania Human Relations Act. The Commission also stated its intent to identify and remedy discrimination — not to establish a uniform statewide job evaluation or

compensation plan. Subsequent to the close of the report year, the Commission adopted a new statement concerning compensation and comparable worth. The new statement reaffirmed its support for the principle of equal pay for equal worth, but withdrew its endorsement of a specific legislative bill on the subject.

Commissioners discussed areas of cooperation in handling community tension matters when they met with Edward Dennis, the U.S. Attorney for Eastern Pennsylvania. They also commended the effective work of Mr. Dennis in solving a number of cross-burnings in Montgomery County.

In addition to Chairperson Joseph X. Yaffe, Esq., officers of the Commission who were re-elected for 1984 were Doris M. Leader, Vice Chairperson; Elizabeth M. Scott, Secretary, and John P. Wisniewski, Assistant Secretary. Other Commissioners completing an additional year of service on the Commission were Rita Clark, Carl E. Denson, Alvin E. Echols, Jr., Esq., Benjamin S. Loewenstein, Esq., Thomas L. McGill, Jr., Esq., Dr. Robert Johnson Smith, and Dr. Raquel Otero de Yiengst.

Several Commissioners were accorded individual honors. Chairperson Yaffe was re-elected to the board of directors of the National Association of Human Rights Workers, and received the Brace-for-an-Ace Award from the Pennsylvania Easter Seal Society. He also was selected to be listed in "Who's Who in America" for 1984. Vice Chairperson Leader was honored by the American Association of University Women as a York County Woman of Accomplishment. Commissioner Wisniewski was re-elected Chairman of the Polish Class Room Committee at the University of Pittsburgh, and appointed Acting President of the Kosciuszko Foundation of New York City. Commissioner Echols was appointed by Governor Dick Thornburgh to serve on a Private Initiatives Task Force, and Commissioner Yiengst was elected vice-president of a new Hispanic political action association in Berks County.



An impressive set of statistics was compiled during the past year in setting policy, conducting public hearings, and otherwise overseeing the work of the Commission. Some highlights of this activity follows:

Final orders approved after public hearings . . . . .	7
Consent orders and decrees, conciliation agreements, and other final orders approved . . . . .	143

Commission Meetings . . . . .	13
Compliance Sessions . . . . .	12
Training Institute Sessions . . . . .	2
Public hearings conducted . . . . .	13
Number of days of public hearings . . . . .	25
Pre-hearing conferences held . . . . .	22
Review of staff action in making disposition of complaints . . . . .	3,061
Review and determination of petitions for reconsideration of complaint dispositions . . . . .	154



*Efforts of the Commission to foster equal opportunity in all walks of life in Pennsylvania was commemorated by the Commissioners of Bucks County in proclaiming "Human Rights Day" last June 6th. Carl F. Fonash (center), Chairman of the Bucks County Commission, is flanked by two members of the Pennsylvania Commission: Chairperson Joseph X. Yaffe, helping to hold proclamation, and Commissioner Robert Johnson Smith. At left is Bucks Commissioner Andrew L. Warren. At right is Bucks Commissioner Lucille M. Trench.*



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